

PUBLIC HEARING

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

V O L U M E 7

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

PLACE HEARD: Digby, Nova Scotia

DATE HEARD: Saturday, June 23, 2007

PRESENTERS: -Ms. Susan Davis
-Le conseil des Arts de la Baie
Ms. Nora Robichaud
-Dr. Mary McCarthy and Dr. Doreen Evenden
-Ms. June Swift
-Joan Boutilier, Eva Holzawarth, Helen Whidden
-Micheale Kustudic, Pat McLean, Maxine McQuaig
-Green Party of Nova Scotia
Mr. William Lang
-Mr. John Scott and Ms. Mary Scott
-Mr. Calum MacKenzie
-Mr. Chris Callaghan
-Mr. Henry Bradford
-Little River Residents Group
Mr. Tony Kelly and Mr. Kevin Gidney

-Atlantic Canada Chapter, Sierra Club of Cda
Dr. Janet Eaton (postponed)

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

Per: H el ene Boudreau-Laforge, CCR

like Whites Cove.

Fast and Furious met from time to time in the land of Hun-tun; indeed, metaphorically, on their own shores; and the local people treated them very generously. Fast and Furious were discussing how to repay Hun-tun's bounty, and they said together, "All men have several holes through which they look, they listen, they eat, and they breathe, but he alone doesn't have any. Let's try boring them." Interesting when we talk about test bores and all the rest of it.

And every day they bored one hole, and on the 7th day Hun-tun died. And I think that's the... You know, after spending about ten years of my life in energy, and watching the tremendous energy of the local residents to get eaten up with these troubles, we find ourselves in that position.

So at this stage, I'll just give Kevin Gidney a brief opportunity to present whatever comments he'd like to make.

Mr. KEVIN GIDNEY: Hello, I'm Kevin Gidney. I'm a concerned resident and a lobster fisherman.

First of all, I live approximately one mile from the Whites Cove Point, so any resident would be concerned one mile from a quarry this big, so I'll go right

A.S.A.P. Reporting Services

(613) 564-2727

(416) 861-8720

to lobstering.

We fish that year, or that bottom off the Whites Cove off to that traffic lane. We fish it there months a year, approximately, from middle December to the middle of March. We fish 15-trap trawls, which these boats coming from these lanes to Whites Cove Point are going to be in the path of our gear. They're going to cut our buoy lines off, or drag gear to where we can't find it, and they talk about compensation, but how are we going to prove to them that it was their ships that took our lobster gear?

We can't run high-fliers on our gear in the winter, because they will ice up, and they will tow our buoy lines and plumes to the bottom; then we will lose our gear. So it's quite a mess for a fisherman's point of view to see where this is coming in here.

And they say for their blast zones that they're going to have so many metres off to look for these whales. Are they going to put buoys there to judge their distances for each time? That's going to be places where we won't be able to fish. We'll be entangled in them buoys and lose gear. And just bringing ballast water back, bringing disease or parasites to get in our healthy lobsters.

And we say they're going to bring 34 jobs here. Well, if they knock the fishery down any more

than it is, there's generally three men aboard a boat, and there's roughly we'll say 35 boats from Little River around to Centreville, and if it goes down, everybody's going to have to lay a man off their boat, so there's 30 jobs that will be gone just from that point, plus there would be people that would be moving out. They won't want to live near this thing.

So I just wanted to say my little minute there, just to say I was concerned.

**PRESENTATION BY LITTLE RIVER RESIDENTS GROUP - QUESTIONS
FROM THE PANEL**

THE CHAIRPERSON: Have you had any contact with Bilcon? Did you participate in these CLC Meetings? Did you speak to Bilcon about the issues, or have you been interacting with them at all? Have they come to you and asked you for advice?

Mr. KEVIN GIDNEY: No. No, I haven't.

THE CHAIRPERSON: So there's been no interaction at all?

Mr. KEVIN GIDNEY: No. I just...

THE CHAIRPERSON: What about your colleagues? I mean, these 35 boats with three men on a boat, has there been any... Have you been watching this from a distance unfolding in front of you, or have they been

LITTLE RIVER RESIDENTS GROUP
(QUESTIONS FROM THE PANEL)

involved in any way?

Mr. KEVIN GIDNEY: Well, I guess we're just all sitting back hoping it's not going to come, but it... Not that I know of has anyone ever come and approached Bilcon to ask about compensation or anything like that.

THE CHAIRPERSON: Thank you.

Dr. JILL GRANT: I wonder if you could give us an idea, Mr. Gidney, of what proportion of your business, of your lobstering, occurs in waters that would be affected by this project?

Mr. KEVIN GIDNEY: Well our season is a six-month season, so it would be half of my lobster season that it would affect bad.

Dr. JILL GRANT: Are all of your traps in areas that would be affected by the project?

Mr. KEVIN GIDNEY: Yes, pretty well 100 percent of my gear will be affected from this project for three months of the year.

Dr. JILL GRANT: Thank you very much.

THE CHAIRPERSON: This area off Whites Point, Mr. Stanton, Kemp Stanton, told us that he fishes there almost exclusively. So it's not a... It's a part of the coast that is frequented by lots of boats, is it? I

LITTLE RIVER RESIDENTS GROUP
(QUESTIONS FROM THE PANEL)

mean, it's an important lobster area broadly through the community?

Mr. KEVIN GIDNEY: Yes. Yeah. You'll have boats from Yarmouth at times up there fishing.

THE CHAIRPERSON: How many boats would fish in that area, do you think?

Mr. KEVIN GIDNEY: Oh, it's hard to say. Like, there's... I got a good number saying there's at least 30 to 35 boats from our residents, but then yo boats that come from Weymouth, Saulnierville, Meteghan, Port Maitland, Yarmouth. So it's kind of a hard number for me to say how many people it would affect there.

THE CHAIRPERSON: That's a lot of lobster, isn't it? I mean, I guess what I'm saying is, it must be a very productive area to sustain that fishery for that many boats for that period of time.

Mr. KEVIN GIDNEY: Yes, it's a real important piece of bottom to fishermen. It's right from there right off to that traffic lane.

THE CHAIRPERSON: Thank you.

Dr. GUNTER MUECKE: Along the same vein, you know, just trying to understand how you operate among each other. Though nobody considers a particular piece of water as their property, do they? It's interchangeable all

LITTLE RIVER RESIDENTS GROUP
(QUESTIONS FROM THE PANEL)

the time?

Mr. KEVIN GIDNEY: Yes, we...

Dr. GUNTER MUECKE: Whoever gets there and wants to set their traps, sets their traps, and then they move on to somewhere else, somebody else takes a... There's no sort of history grounds that anybody claims?

Mr. KEVIN GIDNEY: No, it's a... We have a license to fish District 34 lobster, and it takes you from Gulliver's right clean down to I think pretty near Clyde River in Shelburne, and you can, anyone that has a permit to fish there can fish any part of them waters that they would desire.

Dr. GUNTER MUECKE: So when Bilcon now says they have consulted local fishermen, "local" would mean all those fishermen, lobsters, who use that particular piece of water, right?

Mr. KEVIN GIDNEY: Yes.

THE CHAIRPERSON: Mr. Buxton?

Mr. PAUL BUXTON: I have no questions, thank you, Mr. Chair.

**PRESENTATION BY LITTLE RIVER RESIDENTS GROUP - QUESTIONS
FROM THE PUBLIC**

THE CHAIRPERSON: Any questions emerging?
Yes, Ms. Peach and Mr. Marcocchio.

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

Ms. JUDITH PEACH: I'm just wondering how satisfactory compensation would be to you, Mr. Gidney, if it wasn't a big problem to get compensation. How important is just the lifestyle to you? I mean, if you could get your same income just paid into your bank account, and you could sit at home and do nothing, would that be just as good to you, or?

Mr. KEVIN GIDNEY: No. I like the water. I've fished the water since I've been 18 years old. I've run my own boat since I've been 24 years old. I'm a third generation fisherman, and hopefully my boy can follow my steps, if he wishes.

THE CHAIRPERSON: Thank you. Mr. Marcocchio?

Mr. BRUNO MARCOCCHIO: Thank you. Just a question of clarification for Mr. Gidney. In thinking about the interaction between the potential activities of the quarry and the activities with the lobster fishermen, you described a problem. And perhaps you could just elaborate it on it a bit so it's clearer.

For you to be eligible for compensation, your traps would have to be marked with a buoy and a radar reflector that poses a particular problem because it ices up and would sink the gear to the bottom. So it's not

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

eligible.

So you would have a great deal of difficulty, if I understand you correctly, in establishing that you've lost your gears due to the activities because of that problem, is that correct?

Mr. KEVIN GIDNEY: Yes, it is. Unless their boat was towing one of my marked balloons with my name on it into the quarry, then you could say, yes, he got into it, but it's hard to prove. Them boats are going to be coming in at night. Maybe they'll be coming in in rougher weather that we desire to fish in our small fishing boats. So it would be very hard to prove.

Mr. BRUNO MARCOCCHIO: Thank you very much.

Mr. BOB MORSCHEs: I just have a short question, doctor, of the gentleman. Let's say the boat grabs one of your trawls and it destroys in some way your lobster cages.

THE CHAIRPERSON: Mr. Morsches, you mean the ship, do you? The incoming ship?

Mr. BOB MORSCHEs: A ship.

THE CHAIRPERSON: Yeah.

Mr. BOB MORSCHEs: A ship. A ship comes in, and there are lobster traps, doctor, on the plot that I

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

gave from Kemp Stanton. It shows that there are a lot of buoys that the lobstermen have within that shipping area.

Say he strikes that and he ruins the traps, how do you get your license to add more traps? Like if he destroys 18, do you have to go out and get a new license number for each one of the new traps?

Mr. KEVIN GIDNEY: We'd have to take an observer from Fisheries and apply for a whole new suit of tags, to take him out and I guess re-tag a new set of gear, to prove that you're not trying to set over the trap limit.

Mr. BOB MORSCHEs: and that would take a period of time between the traps being destroyed and when you get the license to get a new trap?

Mr. KEVIN GIDNEY: Yes.

Mr. BOB MORSCHEs: Thank you, doctor.

THE CHAIRPERSON: Maybe you could clarify that for me. I wasn't aware of that. So when you get a license, you get tags. Tags then are put right on the lobster part or the trap itself, and so that identifies it as yours. So when it's lost through accident or being run over by a ship, then you're out the tag as well as the trap, and you have to go through a process to recover it. See, that wasn't clear to me. Thank you.

Mr. KEVIN GIDNEY: Can I have one more

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

thing to say?

THE CHAIRPERSON: Yes?

Mr. KEVIN GIDNEY: The way they do it, the issue us 375 traps. That's our maximum winter limit. And then they will give us 25 tags at the first of January that we are eligible to put on to maintain that trap limit to 375 for lost gear.

The only way people I've heard of going to get new tags, and the ones that have got it have said that maybe a fish dragger has got in their gear and they've lost, like, 100 or 150 traps.

But just for instance if I lost a 15-trap trawl in the middle of December and I didn't get to fish that gear for the rest of the year, it's quite a chunk of income taken from me, 'cause there's... On a good year you can maybe, we'll say, gross \$1200 per trap for that for that season, and maybe on a bad year you'll only get \$700 a trap. So it's a, 10 traps can mean quite a bit of money.

THE CHAIRPERSON: A 15-trap trawl is a piece of rope that connects one trap to another trap to another trap, so when they go out, they go out together, right?

Mr. KEVIN GIDNEY: Yes.

THE CHAIRPERSON: So anything that a ship

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

or another boat that encountered them and twisted them up, takes them all?

Mr. KEVIN GIDNEY: Yes. Usually, well, once in a while, maybe if you're lucky, you lose one or two traps, but in that case you usually pretty well lose the whole 15-trap trawl. And they have an 85-pound anchor on each end of the trawl, and we have 200-fathom buoy lines of complete float rope that go to the surface on what we call an LD-3 balloon. This is pretty well a 50-inch diameter balloon that never goes under in the tide, because we have a massive amount of tide here in the Bay of Fundy. THE

CHAIRPERSON: That's how you hook it, is it?

Mr. KEVIN GIDNEY: Yeah, we just, and then we have a little tailor buoy behind that, that would be approximately 30 feet, that we would gaffe that little buoy to put into our hauler to bring the big balloon out of the tide and proceed hauling.

Dr. GUNTER MUECKE: From your past experience, how long, you know, if you're running out of tags, what would be the response time from DFO in terms of obtaining new tags?

Mr. KEVIN GIDNEY: I'm not really sure on that. I've been lucky enough that I've never had to go get a set of tags.

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

Mr. PAUL BUXTON: Mr. Chair that just raises a question, if I might. I wonder if Mr. Gidney would advise how you, as a lobster fisherman, avoid fish... You know, how do you cohabit with the fish draggers in the same water?

Mr. KEVIN GIDNEY: Well, the fish draggers are pretty courtesy(sic). They know when our lobster season goes, they just don't fish that area. And usually, that time of year, where we lobster fish, that is not a groundfish area. In the winter, they will go down below Brier Island and out into the deeper water where the fish go, where the water would be warmer in the winter, and they fish them areas.

Mr. PAUL BUXTON: Thank you.

THE CHAIRPERSON: Mr. Buxton, do you have any further questions?

Oh, you have a question?

Ms. RHONDA GIDNEY: What happens to the lobster that are in the traps, that get caught? Oh. I'm Rhonda Gidney. I live directly across the road from this proposed project. I'm wondering what happens to the lobsters that may be in those traps that may be destroyed by these freighters.

THE CHAIRPERSON: I think that's a

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

question to you.

Mr. KEVIN GIDNEY: We have biodegradable augerings on our escape hatches that will release probably a year underwater that they will eat off, and a real big lobster won't get out, but a normal-sized lobster can escape the trap unless it's really crushed, the trap, that it can't fit through this escape hole.

Ms. RHONDA GIDNEY: So none of the lobsters would starve?

Mr. KEVIN GIDNEY: Well, a lobster can...

Ms. RHONDA GIDNEY: Not that it's your fault.

Mr. KEVIN GIDNEY: A lobster can live in water and fill off plankton, a lobster could live in a crushed trap for 10 years and survive.

Ms. RHONDA GIDNEY: Oh. Okay, thanks.

Mr. BRIAN MEESON: Brian Meeson. Mr. Gidney, it was wonderful informative about the possible loss of traps. What about the possible loss of actual lobsters as a result of seismic echos, blasting, and so on? So you have any sense of how that might affect the lobster?

Mr. KEVIN GIDNEY: Well, in my opinion, the vibration off this will drive the lobster from that rich area, and it would take them to where we're not going to be

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

able to fish them, or it will shove them out past the other traffic lanes, maybe it'll drive them to another district, District 35, and you have District 36, the Grand Manan. It's a district up, but it will, them lobsters won't stay there. To my knowledge.

Maybe, I hope I am wrong. But it's just that it's going to be quite a vibration, that magnitude of dynamite going off.

THE CHAIRPERSON: Thank you. Any additional questions? No. Yes?

Dr. GUNTER MUECKE: I guess I'm trying to get a sense of what might be called loss of opportunity in fishing the grounds that you're fishing on now. So we have to go slightly hypothetical here.

You are going to be, according to Bilcon, given a warning, okay, that the ship is coming in. At which stage, you would have to go out, and if you have traps there you would have to retrieve them to get them out of the way because they cannot avoid your traps.

So I'm trying to get a sense, in terms of you set your traps, obviously, to where you think you're going to get the most lobster. So if you have to go out and pull them, and then can put them back, I'm trying to get a sense of the sort of losses that you may incur.

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

Mr. KEVIN GIDNEY: Yes. It sounds good to say that, that we'll just call you up and remove your gear, but I've seen instances that you've had a lot of gear in a spot that was producing lots of lobsters, and you've hauled a trawl aboard your boat, and I say, there's many boats around. It's nothing to say that another guy is not going to come right back in behind me and put his trawl where I just left the hole.

It's hard, you can't move gear that way. You've got to try to keep your gear on the lobsters. And far as to say, well, you move your gear for three days and bring it back, well, you might not be able to get it back out there again when you do get back, and then you may go and get no lobsters or less or maybe you'll be lucky and get more.

But it's not that easy just to say, well, I'll move my gear for three days and expect to put it back in that same spot.

Dr. GUNTER MUECKE: And if I understood you rightly, by the time you get there, somebody else may be on the ground.

Mr. KEVIN GIDNEY: Yeah.

Dr. GUNTER MUECKE: And it's first come, first go?

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

Mr. KEVIN GIDNEY: Yes. Yeah.

THE CHAIRPERSON: Looks like we have some additional questions. Young man?

Mr. JACOB GIDNEY: My name is Jacob Gidney. I live right across from Whites Point. I was watching the discovery channel the other day. I was watching about fish. Well, when they feel vibration in the water, they'll swim the opposite way. If trawlers are fishing there, when they blast that's going to give a vibration in the water. The fish will move from the spot and the trawlers, well, their profit will go down.

THE CHAIRPERSON: You weren't intending to ask a question; you're just informing us, were you?

Mr. JACOB GIDNEY: Yes.

THE CHAIRPERSON: You wouldn't want to ask a question?

Mr. JACOB GIDNEY: Nope.

THE CHAIRPERSON: Okay. Thank you very much.

MR. BOB MORSCHES: Doctor, I've already been here once. Several times. But to answer Dr. Muecke's question, when I was in Vietnam, the Vietnamese would go for Langosta, which is similar to the lobster, and they would have traps. We would bring in our supply ships, into the

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

Cameron Bay, churning up the water, tangling with the traps, and the Air Force would bring in their supplies via ship also.

The weather would change such that the lobstermen for days could not get back out to retrieve their traps or find out what's left of them, and the same thing can happen because of what Mr. John Scott said about the weather change here.

So, you know, you could go from hours to days...

THE CHAIRPERSON: Are we going to question here, Mr. Morsches?

Mr. BOB MORSCHEs: Well, the point I'm trying to make, sir, is that the ship is on a schedule, and if it's going to take him, let's say, several days to get his traps out of the way, what's the ship going to do? Lay out there in the sea. That's what I'm saying, sir.

THE CHAIRPERSON: Thank you, Mr. Morsches.

Mr. Mullin?

Mr. DON MULLIN: Mr. Gidney, something's been bothering me for a couple of days, and it had to do with a conversation probably two days ago with regard to fog and weather inversions. And the discussion involved how

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

long, how much of a window you needed if a fog lifted or an inversion changed, if you had explosives in the ground. You only needed a brief time in which you could detonate safely.

How would you, as a lobster fisherman, deal with a situation in which there is fog, but there's a risk that the fog might lift and the company might decide to blast.

How would you know that a blast is imminent?

Mr. KEVIN GIDNEY: Well, there's, to me, I don't know. There would be no way that I would know, unless they were going to go with Notice to Mariners and put it on the VHS for all the vessels to hear that it was going to happen, but...

And the gentleman that just spoke about the period of time, I've seen 20 days that I've not been able to get to my fishing gear because of the weather.

Ms. LINDA GRAHAM: My name is Linda Graham. I'm obviously not a lobster fisherman, but I have a question. Doesn't the best lobster spot change constantly, so you're constantly moving your gear?

Mr. KEVIN GIDNEY: It does. It depends on your weather. These bottoms, Kempie and them would leave their gear there year-round, and once we get outside of Kempie's gear, Kempie fishes buoy gear, he doesn't fish

A.S.A.P. Reporting Services

(613) 564-2727

(416) 861-8720

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

trawls, do Kempie only goes off to roughly 30 to 32 fathom of water. And then we go with our trawls from 30 fathom off to, well, off to our line.

So it's, there's always gear there. That bottom is never free of gear. A lot of people say, well, the lobster catch may go down here on a two-night set, but we'll give them a four-night set and keep that same weight of product coming.

Ms. LINDA GRAHAM: Okay, but if there is vibration from blasting, as I said, I'm not a lobster fisherman and don't know anything about it. But if there is vibration and the lobsters move, maybe then the better fishing, instead of being here, would be down here, because the lobsters have moved because of the vibration.

Would it not be just a matter of a different area would be better fishing than what it is now?

Would not maybe the better fishing move, the same as you've moved your gear?

Mr. KEVIN GIDNEY: Well, if they would stay in our district. What's to say that they're not going to move uphill ten miles and go up above Gulliver's? We're up into 35. Or go, when they go...

Ms. LINDA GRAHAM: But is that not also a lobster fishing ground?

LITTLE RIVER RESIDENTS CLUB
(QUESTIONS BY THE PUBLIC)

Mr. KEVIN GIDNEY: Yes, it is, but it's not an area that I'm allowed to fish in.

Ms. LINDA GRAHAM: Okay.

Mr. KEVIN GIDNEY: This is affecting District 34 lobster fisherman.

Ms. LINDA GRAHAM: Okay, understood. What if they move the other way? Can they not move, I guess, west?

Mr. KEVIN GIDNEY: They could. Yes. See, we don't know what direction they'll move.

Ms. LINDA GRAHAM: Okay. Thank you.

THE CHAIRPERSON: Okay. I'm going to close questions now. All right? Thank you very much Mr. Kelly, Mr. Gidney. Very, very useful information.

We're coming to the final presentation for the afternoon, and it is the Atlantic Canada Chapter of the Sierra Club, and presenting will be Janet Eaton, if she's here. There she is.

--- Pause

THE CHAIRPERSON: Okay, can we get underway? Dr. Eaton? Okay. Can you identify yourself, please?

PRESENTATION BY THE ATLANTIC CANADA SIERRA CLUB, Dr. JANET

A.S.A.P. Reporting Services

(613) 564-2727

(416) 861-8720