

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

SCOPING MEETING #1

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HEARD BEFORE: Dr. Robert Fournier, Chairperson  
Dr. Jill Grant, Member  
Dr. Gunter Muecke, Member

PLACE HEARD: Sandy Cove, Nova Scotia

DATE HEARD: Thursday, January 6, 2005

SECRETARIAT: Mr. Stephen Chapman, CEEA  
Ms. Lucille Jamault, CEEA  
Mr. Peter Geddes, NSEL

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Per: Mark Aurini, Commissioner of Oaths

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1 MR. OUTHOUSE: Looking at my  
2 watch, I think we're running a bit behind time.

3 THE CHAIRPERSON: Well, Mr.  
4 Outhouse, you have 10 minutes. Use it fully.

5 MR. LAURENCE OUTHOUSE - SUBMISSIONS:

6 I want to talk about -- I first of  
7 all thank you for the opportunity to speak to you.  
8 I want to talk about the Section 3 of your  
9 Guidelines, "Traditional Knowledge." And it has  
10 been mentioned briefly earlier by Tony Kelly.

11 The Draft Guideline gives a brief  
12 description of traditional knowledge and its need  
13 to be considered in preparing the EIS. As  
14 presented, this refers only to the traditional  
15 knowledge of aboriginal people of the area. I do  
16 not wish to take anything away from the knowledge  
17 of the Mi'kmaq, who have lived in this area much  
18 longer than any of the European settlers.

19 However, the families of these  
20 European settlers must now be considered to be  
21 indigenous to the area. To ensure the traditional  
22 knowledge available in this area is used, it is  
23 essential that the knowledge of these indigenous  
24 residents be utilized in the environmental  
25 assessment, and I would assume that the failure to

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT  
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SCOPING MEETING #3

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HEARD BEFORE: Dr. Robert Fournier, Chairperson  
Dr. Jill Grant, Member  
Dr. Gunter Muecke, Member

PLACE HEARD: Wolfville, Nova Scotia

DATE HEARD: Saturday, January 8, 2005

SECRETARIAT: Mr. Stephen Chapman, CEAA  
Ms. Lucille Jamault, CEAA  
Mr. Peter Geddes, NSEL

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MR. CORBETT - SUBMISSION

1 don't think they are. I think these are people who  
2 have not only a beloved place that they have  
3 traditional long-term multiple generation  
4 attachment to, they also have a place where they  
5 can make a decent living, and have made a decent  
6 living for a considerable time.

7 So, I would like to propose a  
8 couple of things around the Environmental  
9 Assessment Guidelines that you're using.

10 It's first of all my sense that  
11 the guidelines of this inquiry have to be broadened  
12 or should be broadened to incorporate accounts that  
13 document traditional knowledge, oral traditions,  
14 life ways, I'm going to use the word "spiritual"  
15 connections in probably a similar way to the way  
16 that Mr. Fisher used the word "beloved", spiritual  
17 connections held by residents of the community  
18 immediately and profoundly impacted by the proposed  
19 quarry development, particularly Whale Cove, Mink  
20 Cove and Little River.

21 I would argue that Article 3.0 in  
22 the Draft Guidelines which focuses on Aboriginal  
23 knowledge and the deep connection between people  
24 and place ought to be considered as a model,  
25 opening up this inquiry to a broad range of data

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PLACE HEARD: Sandy Cove, Nova Scotia

DATE HEARD: Thursday, January 6, 2005

SECRETARIAT: Mr. Stephen Chapman, CEAA  
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## MR. SHARPE - SUBMISSIONS

1 EIS Guidelines represent components drawn together  
2 from national guidance, from provincial guidance  
3 and materials from previous panel reviews, but we  
4 feel there's considerable room for improvement with  
5 these Guidelines. From this point forward in the  
6 process, we encourage the panel members to take  
7 ownership of these Guidelines and revise the  
8 Guidelines to reflect their considerable expertise  
9 and experience with environmental assessments.

10 The Society believes that  
11 sustainable development and the fundamental  
12 principles of sustainability, particularly the  
13 precautionary principle, are missing or absent from  
14 the Draft Guidelines at present. Previous panel  
15 reviews, particularly the panel review for the  
16 Voisey's Bay mine and the panel review for the Red  
17 Hill Creek Expressway, have explicitly recognized  
18 the importance of sustainable development in the  
19 environmental assessment and provided their own  
20 interpretation of the role of sustainable  
21 development and some of its key principles.

22 The approach that these panel  
23 reviews have taken -- has taken have helped provide  
24 clear direction to the Proponent on what the panel  
25 expected and how the environmental assessment

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

SCOPING MEETING #2

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HEARD BEFORE: Dr. Robert Fournier, Chairperson  
Dr. Jill Grant, Member  
Dr. Gunter Muecke, Member

PLACE HEARD: Digby, Nova Scotia

DATE HEARD: Friday, January 7, 2005

SECRETARIAT: Mr. Stephen Chapman, CEEA  
Ms. Lucille Jamault, CEEA  
Mr. Peter Geddes, NSEL

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1 next individual is Tom Haynes-Paton from the  
2 Council of Canadians. Good evening.

3 MR. TOM HAYNES-PATON -

4 SUBMISSIONS: Good evening. My name is Tom Haynes-  
5 Paton. I live in Barton. I have a small -- am the  
6 owner of a small business. I live on the shore of  
7 St. Mary's Bay in Southwest Nova, which I identify  
8 as the site of the proposed quarry. I'll speak  
9 more about that later.

10 I'm speaking as a member of the  
11 Council of Canadians. I'm also a board member of  
12 Enviro-Clare. By way of background, the Council of  
13 Canadians has 200,000 members across Canada. We're  
14 especially concerned about NAFTA's free trade  
15 agreements which US companies are unilaterally  
16 using to try to gain irrevocable control over our  
17 Canadian lands and waters at the expense of our  
18 daily well-being and our sovereignty as citizens,  
19 but this evening I'd like to speak specifically to  
20 two additions to the draft, two necessary  
21 additions. One has to do with greenhouse gas  
22 emissions and, secondly, with regard to what you  
23 spoke of as boundaries.

24 The United States has not signed  
25 the Kyoto Accord regarding greenhouse gas  
26 emissions. The Proponent doesn't have to worry

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HEARD BEFORE: Dr. Robert Fournier, Chairperson  
Dr. Jill Grant, Member  
Dr. Gunter Muecke, Member

PLACE HEARD: Wolfville, Nova Scotia

DATE HEARD: Saturday, January 8, 2005

SECRETARIAT: Mr. Stephen Chapman, CEAA  
Ms. Lucille Jamault, CEAA  
Mr. Peter Geddes, NSEL

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MS. EATON - SUBMISSION

1 can't even predict where we're going to be, and I  
2 ask, you know, really to consider that.

3 When we look back at what -- you  
4 know, where we were even thirteen years ago when  
5 NAFTA came into effect under Mulroney, you know,  
6 since then we've only had two environmental laws at  
7 the federal level come into effect, and I would  
8 like to add that both of those, one of them -- both  
9 of them were rejected under NAFTA Chapter 11.

10 The first one was repealed and the  
11 Canadian taxpayers paid out thirteen million  
12 dollars (\$13 million) to an American corporation  
13 for that. And the second is still under monetary  
14 consideration for that.

15 You know, the environmental laws  
16 ---

17 THE CHAIRPERSON: Could I  
18 interrupt? Is this heading towards a question?

19 MR. DUCHAVICH: Yes, it is.

20 THE CHAIRPERSON: All right.

21 MR. DUCHAVICH: You know, in  
22 short, Chapter 11 can really significantly  
23 undermine the effects, you know, new laws and  
24 regulations that come up in the public interest, in  
25 particular in regard to protecting the environment

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

SCOPING MEETING #4

---

HEARD BEFORE: Dr. Robert Fournier, Chairperson  
Dr. Jill Grant, Member  
Dr. Gunter Muecke, Member

PLACE HEARD: Meteghan, Nova Scotia

DATE HEARD: Sunday, January 9, 2005

SECRETARIAT: Mr. Stephen Chapman, CEAA  
Ms. Lucille Jamault, CEAA  
Mr. Peter Geddes, NSEL

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## SUBMISSIONS - Bengivenni

1 have anything more verbal?

2 MS BENGIVENNI: No, I don't have  
3 anything to say unless someone has questions.

4 THE CHAIRPERSON: Let's just see  
5 if we have any questions further.

6 DR. GRANT: Just a bit of a  
7 clarification about the temporal and spatial  
8 boundaries.

9 Are you suggesting anything  
10 specific about how those should be extended?

11 MS BENGIVENNI: Well, I think when  
12 I send my final documentation I see where I need to  
13 clarify more.

14 My concern -- I guess that would  
15 fall into the concern about NAFTA because the  
16 current project would, of course, not indicate that  
17 there's any risk to the ancestral lands of the  
18 Acadians or the Mi'kmaq Métis people, but further  
19 encroachment -- we cannot prevent further  
20 encroachment once the company is permitted to do  
21 this, so it goes beyond -- this is the future scope  
22 of potential further development which we would not  
23 have any control over once NAFTA regulations are  
24 imposed.

25 In other words, we could be sued

## SUBMISSIONS - Bengivenni

1 at the World Court or even through the Supreme  
2 Court of Canada that would prevent even regulatory  
3 issues being enforced.

4 So my concern is that the land be  
5 valued because I don't think it's generally known  
6 to people beyond the boundaries, perhaps, of Nova  
7 Scotia because I'm really concerned as to why a  
8 federally produced document didn't include the  
9 Acadians.

10 And I'm -- I will not address that  
11 at this time.

12 DR. GRANT: It just -- a  
13 clarification in terms of the information that the  
14 professor from ---

15 MS BENGIVENNI: Professor Lavois  
16 from University Ste-Anne?

17 DR. GRANT: Yes. Certainly you  
18 might encourage that material to be submitted to  
19 the public registry.

20 We don't really have a mandate to  
21 go out looking for information.

22 MS BENGIVENNI: Well, this was to  
23 be directed to the proponent, then, I guess,  
24 whoever would be responsible to pursue the  
25 knowledge of traditional values and community