

Community Liaison Committee (CLC) Meeting Minutes

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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 11/2 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 Uniake.

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

Department of Environment and Labour

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.

GUIDELINES FOR THE FORMATION OF A COMMUNITY LIAISON COMMITTEE (from NSDOE publication June 2002)

PREAMBLE:

The following guidelines are presented to assist Proponents and community representatives in establishing a Community Liaison Committee. Conditions of Release under the Environment Act may necessitate further guidance by the Department. The earlier the formation of the Committee, the more likely it will be that the Committee will be able to address in a timely and sensitive fashion the issues which may be raised by a particular project. Proponents are encouraged to establish, where warranted, a Community Liaison Committee as early as possible in the planning stages of the proposed undertaking.

PURPOSE AND STRUCTURE:

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. Community representatives provide an avenue for the exchange of information on the project to interested individuals. The Community Liaison Committee is intended to be an ongoing mechanism established with the following terms of reference:

- a) for consultation between the Proponent and the residents of the area on the final design and operational stages of an approved undertaking as stipulated in the Conditions of Release, which impact or are perceived to impact on the environment and the quality of life of the residents in the area;
 - b) the establishment of a forum for ongoing dialogue between the facility operators and area representatives for consideration of any issues of public concern;
 - c) a means for the facility operator to provide information to, consult with, and obtain advice from a body representative of the community;
- and

d) a provision whereby the residents can bring any issues which occasion public concern to the attention of the facility operators. A Committee may choose to establish additional terms of reference that address specific issues of interest to the community. It is the Proponent's responsibility to hold an organizational meeting with any interested parties to determine the make-up and mandate of the Committee. Interested parties or representatives could be ascertained during the public consultation review process. The Committee should be kept to a manageable size, in most cases no greater than ten members. Members of the Committee may be chosen from individuals or groups representing the geographic area which will be impacted by the project. However, if there are specific groups impacted by the project who do not reside within the immediate area, the Proponent, in consultation with the Community Liaison Committee, may decide to select additional members. The Proponent is to be represented at all Committee meetings. The Committee shall ensure that the views of the Committee are made available to the public in an appropriate manner. This could include the posting of minutes in a public place in the affected area or the provision of minutes to interested parties. Where the Committee is established by Conditions of Release under the Environment Act notice of the formation of said Committee shall be made known to the residents of the affected area and include a list of Committee members. The selection of a Chairperson shall be the responsibility of the Proponent. This may be achieved through an election by CLC members, the appointment of Co-chairs, the selection of an impartial third party, or through another process chosen by the Proponent. The mandate and membership of the Committee is to be reviewed on an annual basis. The Committee shall establish a schedule of meetings.

PROCEDURES:

The Proponent shall be responsible for the provision of meeting space, copying of minutes (copies to be sent to regulatory agencies) and, where applicable, an annual meeting and annual reporting.”

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 affected 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 affect 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 Balsler'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. Balsler 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
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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?

QUESTION FROM : CAROL MEASHAM & GWEN WILSON

Concerning jobs to be generated :

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

ANSWER:

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
 <u>Second Shift plus \$.50 per hour shift differential Shift Total 14</u>	
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

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 southwest corner of the property is about 528 feet from highway 217. Thus how does the quarry remain "out-of-sight" or sound of the near by 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

ANSWER :

As noted in the question the southeast corner of the land is close to highway #217, approximately 500' by scale. However, the useable area of the larger quarry is more clearly defined by the 800 m blasting setback from the foundation or base of a structure located off the site [set out in the terms and conditions of the 4 Ha quarry] which clearly prevents blasting for much of the southeast corner. It is assumed here, since no permit has been issued, that the terms and conditions for a larger quarry would be similar to the terms and conditions for the 4 Ha quarry.

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?

ANSWER

A frame of reference for the level of particulate emission is being researched and this issue will be responded to further.

With respect to monitoring particulate emissions the terms and conditions of the 4 HA approval sets out the levels not to be exceeded and require that monitoring shall be carried out at the request of the NSDOEL. There will certainly be stipulations in an approval for a larger quarry with respect to particulate emissions and monitoring but these stipulations are unknown at this time.

At with noise there is no current requirement [i.e. in the 4 HA permit] for the Proponent to carry out testing for particulate emissions at the request of a landowner but, again this is not to imply that testing would not be carried out at the request of a landowner.

TRUCKING

Despite verbal assurances that approval would have to be given to permit removal of 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.

ANSWER:

You are correct in the statement that the existing permit does not prohibit trucking of aggregate from the site.

However, the permit for a larger quarry will deal with this issue and it is highly probable that the approval will set specific terms and conditions with respect to the trucking of aggregates.

The Proponent has made the statement that essentially there is no market for aggregates in the local area 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.

QUESTION FROM : CAROL MEASHAM & GWEN WILSON

ABANDONMENT

It is not stated in the approval document that rehabilitation will occur concurrently with active quarrying in the new section, as was decided 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 “abandoned mine” where the 12 month period has now stretched to 2 years with no rehabilitation in site.[sic] 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/DFO and appended to the approval.

ANSWER:

The permit presently in hand refers only to the 4 HA quarry. A permit is not in place for the larger quarry, nor has it as yet been applied for. With the 4 HA site concurrent rehabilitation is not possible due to the small area involved. However, as noted at a previous Community Liaison Committee meeting it is the Proponent's intent to carry out concurrent rehabilitation for the larger quarry. The terms and conditions of the permit will be established by the N.S. Department of Environment & Labor and it is entirely possible that they will require concurrent rehabilitation as defined in the Proponent's proposal.

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 that would not have an impact on neighboring homes?

ANSWER

It is possible that a different access point to the quarry can be used to the north east and this is being investigated.

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 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?

ANSWER : 1- 4

The Proponent engaged Mike Brylinsky to provide some background with respect to Mr. Theriault's questions on the potential effect on marine life. Mr. Brylinsky carried out a literature search referenced below and advised that data from the literature is quite specialized. There is little information relevant to assess the impact of blasting or useful in answering these questions from a practical stand point. The Proponent will follow the guidelines established by DFO and noted under the literature below. The Proponent will provide copies of the referred research documents upon request.

References:

DFO, Newfoundland. Factsheet on Blasting and Fish Habitat Protection.
<http://sealane.nwafc.nf.ca/sealane/References/factsheets/fact2.htm>

Johnson, D.W. and T.H. Woodly. 1998. A survey of acoustic harassment device (AHD) use in the Bay of Fundy, N.B., Canada. *Aquatic Mammals*. 24(1): 51-61. [Gives some information that may be useful in determining the noise levels that affect marine mammals.]

Mann, D.A. and others. 2001. Ultrasound detection by clupeiform fishes. *J. Acoustical Soc. America*. 109 (6): 3048-3054.

Popper, A.N. and R.R. Fay. 1993. Sound detection and processing by fish: Critical review and major research questions. *Brain Behaviour and Evolution* 41(1): 14-38.

- Popper, A.N., H.H. Hawkins and R.C. Gisiner. 1997. Questions in cetacean bioacoustics: some suggestions for future research. *Bioacoustics* 8(1-2): 163-182.
- Richardson, W.J., C.R. Greene Jr., C.I. Malone and P.H. Thomson. 1995. *Marine mammals and noise*. Academic Press, London [Haven't seen this but am trying to obtain it through interlibrary loans.]
- Schaap, P.R.H., C.J. Thomas and B.A. Reid. 1998. Observations of fish mortality associated with ice blasting on the lower Rideau River, Ottawa, Ontario. *Can. Field Nat.* 112 (2): 241-244.
- Shin, H. O. 2000. Effect of dynamite explosion work noise on behaviour of Israeli Carp, *Cyprinus carpio*, in the cage of aquaculture. *J. Korean Fish. Soc.* 33(4): 348-355. [Paper is in Korean but I have an English abstract - found that seacultured carp in cages were affected with respect to swimming behaviour at distances less than 400 meters from the blasts, but returned to normal within one hour after the blasts.]
- Sverdrup, A. and others. 1994. Effects of experimental seismic shock on vasoactivity of arteries, integrity of the vascular endothelium and on primary stress hormones of the Atlantic Salmon. *J. Fish. Biol.* 45(6): 973-995. [This paper provides some information on the effects of *underwater* explosions on caged salmon at pressures of 2 MPa.]
- Wilson, B. and L.W. Dill. 2002. Pacific herring respond to simulated odontocete echolocation sounds. *Can. J. Fish. Aquat. Sci.* 59 (3): 542-553.
- Wright, D.G. 1982. A discussion paper on the effects of explosives on fish and marine mammals in the waters of the Northwest Territories. *Can. Tech. Rep. Fish. Aquat. Sci.* 1052: v +16 p. (This contains references to much of the older literature, most of which consists of unpublished government reports.)
- Wright, D.G. and G.E. Hopkey 1998. Guidelines for the use of explosives in or near Canadian fisheries waters. *Can. Tech. Rep. Fish. Aquat. Sci.* 2107: iv + 34 p.

QUESTION FROM : HAROLD THERIAULT

There will have to be more traffic lanes put into place for the shipping of 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..

ANSWER :

At the most recent Community Liaison Committee meeting the issue of bringing a ship through the lobster grounds during the lobster season was discussed. It was made clear that the month of December would provide the most difficulty. It was agreed that the Proponent would work closely with the lobster fishermen who use White's Cove to establish a procedure acceptable to both groups. The Proponent would be pleased to have Mr. Theriault participate in those discussions.

If ammonium – nitrate [diesel fuel and fertilizer] is used for blasting the rock, where does the run off from the diesel fuel go?

ANSWER

It is possible that ANFO will be used for some of the blasting at the quarry. Firstly exhaustive testing of the product demonstrates virtually total combustion of the fuel oil component. Problems with ANFO have almost always been with poor housekeeping and not problems from incomplete combustion from the blast. ANFO will not be used in wet weather conditions and good housekeeping practices will be maintained and will certainly be checked by N.S. Department of Environment and Labor.

As noted in answer to a question from Carol Measham and Gwen Wilson there will be 31 positions created during the normal operation of the quarry. In addition there will be a considerable labor component during the construction phase although this has not yet been quantified.

The Proponent is of the opinion that no jobs will be lost as a result of the operations of the quarry.

If there is any evidence that jobs will be lost due to the operation of the quarry the Proponent will examine it very carefully and respond.

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?

ANSWER :

No, there will be no guarantees that there will be no negative effects from the quarry. But it will be demonstrated in the Registration of Undertaking that there are fewer negative effects than positive benefits.

Virtually no economic activity can take place without someone being affected negatively. A good example is the construction of an airport. Given the requirements that an airport be reasonably close to a major population center to justify its construction it is always impossible to site it without creating noise disturbance for someone and sometimes quite large numbers of people. Nonetheless airports are built because they are considered to be major economic generators and it is considered that the positive effects outweigh the negative.