WP-1299

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Whites Point Quarry and Marine Terminal Project – Joint Review Panel
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Dear Joint Review Panel:

Thank you for the opportunity to comment on the EIS Draft Guidelines for this project. I am a Canadian citizen who has lived and worked in New England for about 25 years. My parents retired to Digby Neck a few years ago and I now look forward to visiting every summer.

I believe the Neck is an important cultural and natural resource. It should be protected from America's unsustainable consumer economy and the international social and ecological injustice it requires in order to continue.

As an outsider, I would not presume to make the following comments if the majority of local people supported the project. That's not the case here. A substantial majority (about 80%) of residents signed a petition in 2002 rejecting the quarry idea. I believe local people should have the final word on how their land will be used, considering they are the ones who will have to live with the effects.

As a Canadian, I am encouraged by Canada's desire "to achieve sustainable development by conserving and enhancing environmental quality and by encouraging and promoting economic development that conserves and enhances environmental quality" according to the *Canadian Environmental Assessment Act* (which I will later refer to as "the *Act"*) that the Panel is working under.

I have the following comments, which I have referenced to what (I think) are the relevant parts of the Draft Guidelines.

4.2 Study Strategy and Methodology
The Proponent should make every effort, when hiring consultants to perform the studies which will comprise the EIS and that will determine the environmental effects of the project, to select people with significant professional experience in Nova Scotia. These people should be familiar with the local conditions and systems they are studying.

For example, a very well qualified and experienced archaeologist performed the archaeological study that the Proponent submitted to the Nova Scotia Museum. But, his professional area of expertise is not relevant to the settlement at White Cove. It's not surprising then that he didn't find much evidence of the settlement or that he didn't consult local elders who are the repositories of local history. In other words, it's unlikely that you'll find things that you're not looking for.

If there are no qualified consultants with experience in Nova Scotia, then the Proponent should seek someone with experience in an adjacent province or state (New Brunswick, PEI, Newfoundland, Maine) where the conditions would be expected to be similar. This applies to cultural as well as biological studies.

Similarly, the engineers who design the marine terminal and land-based structures of the quarry should have experience designing these things for this type of environment. This is no place for an engineer whose primary experience is septic system design. The most important and potentially environmentally hazardous part of the quarry is literally perched on the edge of the Bay of Fundy. A design error, misjudgment, or lack of construction oversight on the part of the engineering company entrusted with the design and construction of the facility could result in an environmental disaster.

5.0 Introduction

Somewhere in the EIS, the Proponent should demonstrate that the current landowners, the Johnsons and Lineburgers, have clear legal title to the entire property that will be developed. There is an area described in the old deeds as a "fishing privilege" that appears to include the shoreline where the old skidway is, as well as White Point, where the marine terminal would be located. All shares in this lot do not appear to have been conveyed through the chain of title to the current owners. The Proponent should provide the Panel with the attorney's title opinion, or similar legal opinion, that was performed for the current owners when they purchased the property from the Dentons.

I have attached, at the end of this letter, notes and conclusions from a study I made of the original deeds. This might help you understand the land ownership concerns.

Also, the historical location of the public road to the Cove should be determined from the original survey or municipal records to ensure that historical public access to the Cove is recognized and preserved.

5.2 The Project

The project description should include the entire route of the stone from White Cove to its destination in New Jersey. One of the stated purposes of the *Act* is "to ensure that projects that are to be carried out in Canada…do not cause significant adverse environmental effects outside the jurisdictions in which the projects are carried out…" The review of this project should include an evaluation of possible environmental effects along the entire shipping route. That shipping route should be described as part of the project.

5.3 The Proponent

The exact relationship between the various corporations involved in the project should be described. This has been unclear from the beginning. Who owns whom? Who will be ultimately responsible for performing the various environmental protection measures outlined in the EIS? Will it be possible for Bilcon of Nova Scotia to go bankrupt if the project becomes unprofitable, while Clayton of New Jersey protects its assets? Will it be

possible for the parent company to abandon its environmental responsibilities if the project becomes unprofitable?

The performance of a predecessor, Global Quarry Products, in the areas of construction and public relations was very disappointing and sometimes arrogant. Earthworks done at White Cove in the spring of 2003 were not built to the engineering specifications and their failure during and after heavy rain caused a significant amount of silt to enter the Bay of Fundy. Evidently, no engineering inspection was performed once the work had been completed. Residents called the local DFO office. The DFO sent inspectors to the site who instructed GQP employees on how to remedy the situation. This event did not inspire confidence in the quality of GQP's engineering procedures.

Also around that time, a community elder and local reporter were threatened with libel lawsuits for speaking out about the desecration of gravesites at White Cove. It is the belief of many local elders and historians that unmarked gravesites exist at White Cove. These gravesites are believed to be in the general area where the construction was performed. This area is at the core of the settlement that existed at White Cove in the late 19th and early 20th centuries. The Proponent refused to credit local elders with knowledge of their ancestors. This is insensitive and arrogant behavior on the part of the Proponent.

The Proponent needs to put his cards on the table: who is he and will he take responsibility for his actions?

6.1 Spatial Boundaries and Scale
Under **a**., please refer to my comments under **5.2**, above, as to including the entire shipping route in the spatial boundaries.

Under **e**., the possibility of "copycat" projects by similar proponents should be considered. Once Clayton is bringing in high quality, relatively cheap aggregate to New Jersey, wouldn't their competitors come looking for a similar opportunity? Would the approval of this project set a precedent for the establishment of similar aggregate export quarries up and down the North Mountain? The environmental effects would then be multiplied.

7.0 Project Description
The explanation under **a**. (**and 7.2.1)**, the purpose and need for the Project, should be very detailed. Stone is not a rare natural material like other minerals mined in Canada such as gold, copper, nickel, cobalt, etc. There are several quarries in New Jersey currently offering high quality aggregate in commercial quantities. Why does aggregate for New Jersey's roads and shopping malls have to come from Nova Scotia?

Under **b**. **(and 7.2.2)**, alternative sources for aggregate in the New Jersey area and on the American east coast should be described in detail, along with the reason they can't be used. Existing quarries must surely be preferred to creating new environmental effects by opening a new one in a previously unindustrialized area. My continuing perception of the need for this project is that it is economic. It will give Clayton a business advantage.

Under **c**. **(and 7.2.3)**, the current state of aggregate recycling technology should be described. Also, the impact this quarry will have on the development of alternate materials should be considered. "Green" technologies, such as recycling or reducing, often don't become economically viable until raw materials become relatively expensive. The influx of relatively cheap, plentiful, high quality aggregate into the New Jersey market from the White Cove quarry could retard the development of environmentally sound alternatives. This would seem to run counter to the intent of the *Act*.

Under **d**., the current and projected "choke-off" price of the product should be stated. If the primary impetus for the project is economic, then the economics of the project should be clearly stated. How would the viability of the project be affected by such economic variables as: increased fuel costs (for machinery at the quarry and for shipping), royalties imposed by the provincial government (which are currently being discussed), economic slowdown in the US caused by a global shift in manufacturing centers, the environmental and socio-economic effects of climate change?

Under **h**. or **j**., include a map showing all lots on Digby Neck currently owned by Clayton-controlled corporations.

Here, (or perhaps under **7.3.3.k)** there should be a detailed description of the ships that will be used to transport the aggregate, including: length, beam, engine horsepower, fuel, hydraulic oil and lubricating oil capacities, ballasting procedures, ownership and that company's safety record, qualifications and experience of officers in operating in the Bay, company safety procedures, etc.

Under **k**., where the area has no land use regulations currently in effect, area organizations that predate the quarry, such as DNCDA, WVDA, and fisher organizations should be consulted to see what local residents' development ideas were prior to this project. Communities rarely enact land use regulations until threatened with development that is inconsistent with their ideas of what is acceptable.

The compatibility of this project with what the community considers acceptable land use is certainly a key issue. That they haven't yet enacted land use regulations shouldn't be taken to mean "anything goes". Historical and current land use on the Neck and Islands should be considered as a measure of what people find acceptable. The proposed quarry is a pioneering industry in the area. There has been no industry of this scale in the area before.

Under **l**. (**and 9.2.5)**, potential accidents and malfunctions should include the possibility of accidents while docking or at sea. In September of 2004, a 615-foot bulk carrier loaded with 47,500 tons of crushed granite from Nova Scotia was grounded outside Charleston, South Carolina. Winds were 40 knots, waves 8 to 10 feet high. Seven tugboats with a combined power of 30,000 horsepower were unable to pull it off the seabed until it unloaded 3,525 tons of aggregate over the side. This incident was reported

in Issue 85 of *Professional Mariner*. Clearly, marine accidents can occur with these large, heavily laden vessels.

Collisions would also be likely to occur over the 50 year (5000 trips) projected lifespan of the quarry. What would be the environmental effects of either a hard grounding that released fuel into the Bay, or a collision with a similar sized vessel? Irving's liquefied natural gas facility, expected to open in 2007 on the New Brunswick side of the Bay, will be one of the largest in North America. It will be bringing in the LNG by ship. The environmental effects of shipping aggregate from White Cove must be considered in the context of this increased commercial traffic in the Bay.

Under **o**., the Proponent must demonstrate that he is aware of the climatic conditions in the area and that the marine terminal and land based constructs are engineered for the worst possible conditions, not the average or likely. The project must be over-engineered to prevent an environmental disaster.

7.3.2 Site Preparation and Construction, Components and Activities
Complete engineering plans for all aspects of site preparation, construction, decommissioning and reclamation should be included in the EIS and made available to the public for review.

7.3.3 Operation and Maintenance

- **k.** This description should be very detailed, as mentioned above under **7.0**. Ballasting procedures should be spelled out and plans for docking in severe weather conditions should be described.
- **l.** Any plans for, or possibilities of, the marine terminal being used for loading or unloading goods unrelated to the quarry at White Cove, at any time in the future, should be described. Any plans for, or possibility of, the quarry being used for a waste disposal site at any time in the future should be discussed. Any potential increase in the number of ship dockings per week, for any reason, should be indicated.
- **m.** "Viewscape" should include the view from the Bay not just from the land. Ecotourists on whale and seabird watching tours on the Bay may be surprised to see a mega-quarry on the Neck.

8.0 Existing Environment
The Proponent should make a very careful study of the existing socio-economic conditions on Digby Neck and Islands. I believe this area is unusual in North America in that its residents have a very long history in the area. Many current residents are direct descendents of the original Loyalist and Acadian settlers of 200 and more years ago. Their knowledge of, and interaction with, their environment is perhaps akin to that of Native people. I believe they are very close to being indigenous people. This kind of human integration into the ecosystem could be a model for our future.

Unlike many historical cultures that didn't destroy their surroundings in order to make a living, these people are alive and well. Their economy and social structure are threatened

by the industrial development that this quarry represents, and deserves to be studied in depth as an important part of the existing environment.

Information that the Proponent provides about the current socio-economic environment should include:
-various ways people now make a living including: percentage of population employed in each industry, average number of employees in each industry, percentage of population who are self-employed, seasonal nature of various industries, number of wage-earners per household, percentage of population who are retired, percentage of the population who commute to work off the Neck
-unemployment rate, specifically, number of people actively looking for work
-level of satisfaction people have with their current socio-economic condition
-the inter-relationship between existing industries, for example, how important is the fishery to tourism?(and vice versa) How important is the fishery to whale and seabird watching? (and vice versa) How important is tourism to local stores? How important are the retired "from away" population and seasonal residents to the local economy?
-importance of White Cove to local people as part of their history and as a place they can visit
-importance of public access to the shore to local residents and visitors
-local interpretation of private land ownership. Does it currently restrict public access to the land?
-importance of oral history in people's understanding of the land and sea, and of their history
-attractions of the area to visitors and retirees

While it seems that the entire existing socio-economic structure of the area would have no effect on the operation of the proposed quarry, the quarry would significantly disrupt local residents' lives. In other words, it makes no difference to Clayton if the population of Digby Neck and Islands exists or not. The quarry operation will not require the participation of existing businesses or people. In fact, it would be **easier** for the quarry to operate **without** these people and their complaints. However, the influx of large, natural resource extraction projects into the area, this quarry being the first such enterprise, would have a profound effect on the delicate network of families, businesses, and resources that exists there today. The socio-economic environment of Digby Neck and Islands is the most Valuable, and vulnerable, Environmental Component to be studied by the Proponent for the EIS.

8.2.1 Economy
The area "considered to be potentially affected by the Project" must include the entire Neck and Islands. The unique geography of this area must be considered. There is only one main road which travels the length of the Neck and Islands. Many residents commonly and regularly travel along the entire peninsula. Restricting the affected area to a 2 km radius does not recognize the size of the project and its incompatibility with other undertakings in the area.

8.2.4 Land Based Transportation
The current condition of the public roads should be described. Are they engineered for the type of vehicles and loads that would be brought into White Cove particularly during the construction phase? Who would bear the burden for their improvement or repairs if that became necessary?

8.2.5 Marine Transportation
Expected changes in existing traffic volume should be considered, specifically those relating to the new LNG plant in New Brunswick.

8.2.9 Physical and Cultural Heritage Resources
Particular attention must be given to Loyalist, Acadian, and other European immigrants' cultural and historical resources, the descendents of whom are still around to appreciate them. Their physical and cultural heritage should not be discounted or ignored by the Proponent.

9.0 Effects Prediction, Mitigation measures and Significance of Residual Effects
As mentioned under **8.0**, above, I believe the most important and vulnerable VEC is the people themselves. Since I also believe the primary impetus for this project is economic, I think the most appropriate study to determine the effects of the project is a benefit-cost analysis using the concepts of environmental economics.

The relatively new (25-30 year old) field of environmental and resource economics has been developed to evaluate the effects of various environmental and resource management techniques by evaluating society's interest in the values an ecosystem can offer. Dollar values can be assigned to social benefits, such as clean air, pleasant views, peace and quiet, recreation opportunities, that are not normally bought and sold on the open market. These environmental values have not traditionally been weighed against the dollars gained by, for instance, new jobs or increased tax revenue, when economic development is considered. Extraction of natural resources, whether renewable or non-renewable as is the case here, always affects the ecosystem to some extent. Using environmental economic theories, an economist can now compare the expected positive effects of a development proposal against its negative effects.

Since people are not machines, they measure their prosperity and happiness using many different variables, not only their yearly income or amount of property owned, as the currently dominant consumer culture insists. These other aspects of one's life, the more qualitative rather than quantitative values, such as peacefulness, quiet, self-determination, a supportive community, access to recreation areas, jobs that offer freedom from the time-clock, resources left for future generations, can and should be measured and valued. These are the VEC's that the residents of and visitors to Digby Neck stand to lose if large resource extraction enterprises move in next door.

There is an overview of environmental economics for non-economists at www.ecosystemvaluation.org. To quote from that site: "Benefit-cost analysis measures the net gain or loss to society from a policy or action. The objective of benefit-cost

analysis is to determine whether society, as a whole, will be better off if the policy or action is implemented. This requires enumerating and evaluating all the measurable benefits and costs and comparing them. In this manner, a single policy or action may be evaluated to determine whether it provides net economic benefits to society."

There are faculty members at Nova Scotia's major universities, particularly Dalhousie and Acadia, who are familiar with and active in environmental and resource economics and who could perhaps assist the panel in developing this part of the EIS Guidelines if they are unfamiliar with these concepts.

9.2.3 Commercial and Recreational Fisheries
The probability of collisions between fishing vessels and the bulk carrier, and between fishing vessels and the marine terminal, should be included.

9.2.6 Recreation and Tourism
The effect the quarry will have on visitors' perception of the Neck should be examined. The area currently does not have an industry of this type and size. Although certainly not a wilderness area, it currently appears unspoiled, pristine, and unaffected by the modern world.

9.2.9 Physical and Cultural Heritage Resources
The public has historically had free access to White Cove for picnicking, walking the shore, berrying, winkling, reminiscing and other peaceful activities. Fencing off privately owned land to restrict public access is very uncommon on the Neck. This is a refreshing change to me, as a visitor, compared to the New England shore where privately owned oceanfront land is very valuable and access is routinely denied. I am probably not the only tourist, visitor, or potential homebuyer who finds this attractive and desirable.

Global Quarry Products has already sought to restrict public access to the Cove and has made some moves toward privatizing the White Cove Road. Free public access to the shore is another Valued Environmental Component that would be affected by the quarry.

Removing the stone, the very land, from White Cove and building mining structures on the site of the old settlement permanently removes the place from the people's history. This place is part of their heritage that they and their descendents can visit if left undisturbed. Physical landforms are an important component of a rural people's identity. Land- and seascapes bring to mind the stories that inform their culture, providing continuity from the past, through the present, to the future. This is a very different way of seeing the land from how urban dwellers see it, but it should not be ignored. The inclusion of the entire ecosystem: the land, sea, climate, and other species, in a people's self-image is essential to the development of an environmentally sustainable economy.

Local people, particularly the elders, must be consulted regarding cultural heritage resources at White Cove. These people and their history have so far been ignored or

discounted by the Proponent. Consequently, the Proponent has already damaged important physical evidence of the settlement at White Cove.

10.0 Monitoring and Follow-up Program
Government or reputable third party technicians, not quarry employees, must do the monitoring of quarry operations, mitigation programs, safety record and procedures, and environmental impact, including socio-economic impact. We can't afford to allow the fox to guard the chickens.

Brief Conclusions
1. I recommend that the spatial scope of the EIS should include the entire Digby Neck and Islands area as well as the entire shipping route the stone will travel, from White Cove to New Jersey.

2. I recommend the EIS Guidelines require that the Proponent conduct a benefit-cost analysis of the project using the established tenets of environmental economics to determine the expected net effect of the project on society.

3. I recommend a strong emphasis in the Guidelines on the impact the project is expected to have on the existing residents, their way of life, and their plans for the future.

I would like to summarize my comments with the following quote from this month's *Orion* magazine, which is published here in New England. "We will continue to ask why it is that American politicians cannot summon the will to act on global warming; why we are poisoning our land, water, soil - even our children - for the sake of mere convenience; how much havoc we must wreak on the natural world before the scales fall from this nation's collective eyes; how it is that our ceaseless quest for *more* has meant so much less of almost everything valuable."

Sincerely,

Judith Peach

General Notes from old Deed Descriptions

1. Samuel and Martha Hersey bought the White Cove Lot (120 acres) in 1853 (book 25, page 73).
2. Between 1872 (book 43, page 215) and 1884 (book 54, page 71) Samuel Hersey deeded several small lots in the Cove area to his immediate family. At least one of these small lots (the Cynthia Lord parcel, last conveyed in the deed recorded in Book 116, page 423 in 1912) was never conveyed back into the chain of title to the White Cove Lot. Two other lots (the Melvina Hersey parcel and the John Russell Hersey parcel) were quit claimed in the deed from Israel Hersey to Thomas Shreve (Book 55, page 384), but then specifically excepted from the deed from Shreve's executors to Alonzo Morehouse (Book 88, page 484) and were also excepted from the deed from Morehouse to Thomas Carty (Book 151, page 87). Morehouse and Carty are predecessors in title to the current owners of the White Cove Lot.
3. The first specific mention of a dwelling house at White Cove is in 1869 (book 35, page 211).
4. A total of two houses, Samuel Hersey's and Hosea Lord's, and one fish house are specifically mentioned in the deeds. Samuel's Hersey's house was divided into two parts with each part conveyed to separate owners.
5. Thirteen individuals, all members of Samuel Hersey's family or their spouses, are indicated in the deeds as being residents "of White Cove" – see Table 1.
6. The occupations of these people are listed in the deeds as "yeoman", "farmer", or "fisherman" – see Table 1.
7. Farm animals and crops, and fishing boats and gear located at White Cove are specifically described in Book 55, page 120 and Book 55, page 384 – see Attachment 1.
8. A "fishing privilege" consisting of one acre of shore land along with a fish house is first described in the deed recorded in Book 43, page 215. Its ownership was shared by four men of the settlement: Samuel Hersey, Hosea Lord, Russell Hersey, and Israel Hersey. It is mentioned in subsequent conveyances, specifically as late as 1903 (book 151, page 87). It is also shown on the survey that is attached to the deed recorded in Book 151, page 90 in 1933. Two quarter interests in this fishing privilege were never conveyed back into the chain of title to the White Cove Lot.
9. A road from Little River to White Cove is first mentioned in 1872 (book 43, page 215). It is described as a "public road" in 1884 (book 53, page 257).

Conclusions

1. White Cove was the site of a small village or hamlet between at least 1869 and 1890. It was occupied at some time during this period by members of Samuel Hersey's extended family consisting of at least the thirteen adults listed in Table 1. Two houses, probably four, were located at White Cove.
2. Farming and fishing were at least two of the occupations of the residents of White Cove during this period. Buildings, tools, and animals associated with these activities, other than those mentioned in the deeds, probably existed.

Table 1. **Deed References to Residents "of White Cove"**

NAME	DATE	Book/Page	Occupation
Hosea Lord	1869	35/211	
Samuel Hersey	1877	45/281	Yeoman
" & Martha	1882	51/169	
" "	1884	53/257	Yeoman
Samuel	1884	54/71	
John Russell Hersey	1877	45/281	Fisherman
Charles Hersey	1880	48/61	
"	1884	53/266	
" & Mary	1884	54/194	
" "	1890	61/471	
Cynthia Lord	1882	51/169	
"	1884	53/266	
Israel & Margaret Hersey	1884	53/37	Fisherman
Israel Hersey	1885	55/384	Fisherman
"	1887	58/221	
Albert Hersey	1884	53/257	
"	1884	53/327	Fisherman
"	1885	55/120	
Melvina Hersey	1884	53/327	
James Tibert	1885	55/120	Farmer
" & Caroline	1886	56/252	Farmer

Attachment 1: **Evidence (from deed descriptions) of Farming and Fishing Activity at White Cove**

Book 55, Page 120
Albert Hersey to James H. Tibert
27 July 1885

"…Also one cow, color red lineback white and one cow, color brindle, and twelve sheep and all the property real and personal of whatever nature or kind owned by the said Albert Hersey or to which he has any right or title…"

Book 55, Page 384
Israel Hersey to Thomas Shreve
27 Nov 1885

"…one horse, 2 cows, one yearling heifer, one yoke of oxen, one set of harness, one sleigh, seven fishing boats, eighty fish butts and all fishing gear, seines, nets, and all fishing boats, gear, and all farm utensils, house furniture, and all hay, grain, and any roots or vegetables of any kind or description, and one ox wagon and one riding wagon, and all his personal property and effects, and all fishing gear, and all book debts and other debts, and all my book debts and debts of any kind or nature whatsoever, due or owing and coming due, and all sums of money or monies due or coming due to the said Israel Hersey, and all his house furniture, goods, and chattels of whatsoever nature, kind or description…the said Thomas C. Shreve shall as soon as he may deem it advisable in the best interest of the creditors of the said Israel Hersey…sell and dispose of all the right, title and interest of the said Israel Hersey at the time of making this assignment…"