Penobscuits women say, "The fight is not over"

New Brunswick Mining Act directs those experiencing damages related to mining to file their complaints with the Mining Commissioner.

On September 10th, 2012, 21 of the 24 Penobscots residents who had filed complaints with the Mining Commissioner withdrew their complaints and cases in exchange for financial compensation. Beth Nixon, a spokesperson for the Concerned Citizens of Penobscots, says, “None of us, including those who withdrew our case, feel that our fight is over or for justice yet.”

Heather McCabe, her mother, and former Penobscots resident Ruth McCue gathered at the Penobscots gathering place. “Please do not think this is done,” McCabe says. “Those of us still standing are very much in need of your support. What is happening to us could be happening to anyone in this province and our fight continues so that no one else ever has to go through this as we are.”

The Mining Commissioner Hearings have dragged on for over five years now. The residents have largely been representing themselves. Because the burden of proof rests upon them to prove their grievances are linked to the mine, resources they have faced the challenge of finding experts who did not have a conflict of interest or any connection to PotashCorp. In some cases, experts were paid by the company. The Mining Commissioner has turned down the group’s repeated requests for independent experts to fund their own legal advice.

“No group of regular New Brunswickers should be forced to face damage at the hands of a large corporation, with no way to ensure the necessary expertise is available. We oppose the use of a copy of the transcript of the proceedings,” says Nixon.

The Concerned Citizens of Penobscots are calling on the Award government to release the hearings transcripts to the public. The cost of the transcripts, which is about $10,000, has made it impossible for the group to obtain a copy for its own use.

McCabe believes there is no other choice but to stick with the hearings even though she acknowledges its process is described as “ludicrous.” It’s only one process in place. We know how the facts are on our side. During the hearings, the mine experts admitted under cross examination that none of the studies they have presented are complete or perfect, and that the distribution structures without full foundations. Basically, they have no idea how much movement a home on a sorrelites, how much damage a home on a borax can withstand,” says McCabe.

Most of the Penobscots claimants settled with PotashCorp over grievances related to lost well water in June. The focus of the hearings this past summer then turned to land subsidence. PotashCorp agreed to compensate residents for their previous and future water costs, which amount to $350 in South Kemptville. However, few or those residents who live in bathrooms in Penobscots, will have to pay for their water as the compensation in the agreement extends only to those with current title to property and hence losing their water. Residents who were paying for water from a system installed using mostly public funds. PotashCorp only paid approximately $10 million of the more than $10 million cost of installation. About 50% of the homes in Penobscots have been impacted by the land subsidence. These properties are currently serviced by commercial clients, mostly PotashCorp, while the other half of the water supply goes to residences.

The Penobscots have lived here for 150 years. Their homes in Penobscots have taken a significant toll on the members of the community, many of whom are in a constant state of stress. When you wear the body and mind down to the breaking point. You lose faith in humanity and you lose hope as you watch your dreams shatter around you.

McCabe, Nixon and others who are impacted in the Penobscots community would like to see the mining to be ended and for the government to ensure they have to endure the same fate. Explanation permits for minerals and shale gas have been issued recently, the province says. The situation in New Brunswick, New Brunswickers who first became active about shale gas in their backyards have gathered at the hearings to show their support for McCabe and the people of Penobscots. Shale gas protesters refer to Penobscots in the arguments they make to counter the government’s assurances that it can regulate the mining and gas industry.

“My mother and I only asking to have our home moved to safe land away from this area. We are not asking for the moon, just a safe place to live. Is that really so unreasonable? Is that too much to ask for? We just want to see their mom live out her years with dignity? My heart breaks every day to see what this is doing to her,” says McCabe.

Penobscuits residents like Heather McCabe and her supporters demonstrated outside the Mining Commissioner Hearings in Sussex in 2011. McCabe is continuing to demand compensation through the Mining Commissioner for impacts she says she is suffering as a result of potash mining in their community. Photo by Tracy Glynn.

By TRACY GLYNN

Sewage is leaking into the ground beneath Heather McCabe’s home in rural Penobscots. McCabe has made several costly repairs to her septic lines to no avail. She regularly sprays Javex underneather her home to avoid getting sick from the bacteria in the sewage and sleeping in her dining room because her bedroom walls are bowing. She worries that her home is not safe for her 79-year-old mother, who lives with her. McCabe blames PotashCorp, a Saskatchewan-based mining multinational company, for what she calls her house of nightmares.

“My mom and I purchased this house together. It was to be our haven, a place for her to enjoy her senior years, and a place for us to continue to operate and perhaps expand our Sanctuary for Special Needs Pets.” Now it has become our nightmare. My mom spent her 79th birthday helping me spray Javex under the house. What child wants to watch their parent live like this? We have nowhere to go. Everything we had was purchased in this property, says McCabe.

About a year after buying the home in 2003, McCabe began noticing the skirting boards of the house were sinking, water was seeping into the basement, and, by 2010, her roof began buckling. McCabe blames subsidence caused by the mining operation for the damage to her home.

Moreover, McCabe has financial problems. Sixty homes in Penobscots, a community situated directly above the potash mine workings, have lost their well water since 2004. Many of the wells failed immediately following seismic blasting at the mining operation, which extracts an average of 1.1 million liters of groundwater from the PotashCorp aquifer each day.

McCabe claims in placing the blame for her damaged home on PotashCorp’s mining operation. In 2004, a group of Penobscots residents having problems with the mining operation formed the Concerned Citizens of Penobscots. The group was advised by lawyers to try a rarely used mechanism and to file its grievances with PotashCorp’s operations to the province’s Mining Commissioner instead of taking the court to the

Community Calendar

For details and updated event listings, visit nbmediaacoop.org. To list your event, email: community@nbmediaacoop.org

Book Launch of The Ugly Canadian: Stephen Harper’s Foreign Policy, Yves Engler, an emerging Canadian author on Canadian foreign policy, will be in Fredericton on Tuesday, November 20, 7:30 pm in the Room 101, St. Thomas University. Co-hosts: Fredericton Union of Working People, UNIFOR, Canadian Union of Public Employees, Fredericton/Oromocto Local and Canadians for Justice and Peace in the Middle East. Contact: info@frederictoncoop.org

People gathered on the 4th of October at Sisters in Spirit Vigils to remember the thousands of indigenous women who have been murdered or gone missing since the 1980s. The federally-funded Sisters in Spirit program, organized by the Native Women’s Association of Canada, was named after the Harper government in 2010. The federal government provided funding to the program to increase community-based support for indigenous women in cases of missing and murdered indigenous women. The program had built profiles of more than 500 cases. In its place, the government announced $10 million in funding, mostly for police operations. About 200 people gathered at the 2012 Sisters in Spirit Vigil to protest the government’s funding for police, and for their support for justice for missing and murdered indigenous women. Photo by Jaydis Humas.

Sisters in Spirit Vigils

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