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Dear Premier Stephen McNeil and Minister for the Environment Margaret Miller,

I am writing in relation to Northern Pulp's Replacement Effluent Treatment Facility project.

My name is Terry Dunbrack. I grew up in Pictou, moved to Halifax in 1991 and then moved back home in 2005. I have followed and been very involved in most things related to Northern Pulp since 2013.

I know you are aware of the history of the pulp mill. I would like to use a brief summary of what I have witnessed as my preamble to why I oppose this project and will express my concerns. I feel their history is important and should be considered when trusting them with a project of this immense stature and historical significance.

Back in 2013, before Northern Pulp had their electrostatic precipitator installed, NP's emissions amounted for 63% of all particulate matter released in the province. They were allowed to exceed limits because a ministerial order allowed them to do so while they were working towards compliance. People in the area including area doctors and the Nova Scotia Lung Association complained that this was not acceptable. Northern Pulp's response was 'give us a chance, we need more time'. While their recovery boiler was failing stack tests, so were the stack tests for their power boiler. The following year they upped their emissions to 78% of what was being released in the province while hitting production records. That was the year of the pipe leak.

In June 2014, Northern Pulp had a leak in their effluent pipe that took a couple of weeks to clean up (1). When the numbers were initially released we were told that there was 4-5 million litres that had spilled onto Mi'kmaq burial grounds and into the Northumberland Strait. Through the federal investigation, it turned out to be 47 million litres. Northern Pulp's negligence to properly maintain this pipe led to the Boat Harbour Act. Without the Act, Northern Pulp would likely have had to close. The closure date was set for Jan 31, 2020 and mill officials said they would honour the act and honour the closure date although they admitted that they found the date rather tight.

With their next Industrial Approval looming, NSE set water reduction targets. Once the approval was put forward, Northern Pulp threatened to sue the government over the reduction targets. The govt eventually allowed for higher reduction targets. Northern Pulp has cited this litigation for being a reason for their late start despite the fact that they knew they couldn't operate without a new ETF to replace Boat Harbour and that they felt

there was a time crunch. That is admission that NP chose not to start working on their ETF right away creating more of a time crunch.

After having the new precipitator installed, Northern Pulp were still failing their stack tests routinely on their power boiler. They no longer had to report the results and the only way to find the results were through Northern Pulp's Community Liaison Committee. When I contacted Kathy Cloutier, NP and Paper Excellence's Communications Director, she said that I couldn't talk directly to the CLC. I had to ask her questions, she would relay them to the CLC, they would respond to her and she would relay that back to me. Checking on each stack test after this, the response that I got on everyone from Kathy Cloutier was that they were passing. They were not (2). This resulted in a fine for \$697.50 and a directive that the company had to reveal their test results.

During this time, they could have filed for their EA submission but according to a recent FOIPOP they were busy demanding a 10 year Industrial Approval, despite not having gone one year without failing to meet at least one term of their Approvals and demanding that an increase in their water usage stating that they wouldn't go forward with their EA as these terms didn't work for them. Another indication that the time crunch was brought on by themselves. All along officials for the mill continued to state that they would honour the closure date.

Another recurring theme that has been presented by the mill is that the effluent will be cleaner than what comes out of Boat Harbour. According to recent FOIPOP, Northern Pulp's technical engineer admitted that the new effluent will be worse than the present effluent.

They finally announced open house dates to educate the public on their ETF plan. They put forward a plan that included a pipe that would go through the Pictou Harbour and have an outflow location in shallow waters with 6 ports spread over a distance of 125 metres in order to bring readings to background levels within 100 metres. They also showed in schematics an Oxygen Delignification system that one of their reps said would be crucial to the process at a cost of \$70M that would be completely funded by the Mill owners. Concerns that were raised that night included a very well publicised shipwreck that had been found and mapped in 2015 (3), the shallow waters of the area that would cause ice scouring and requiring 125 metres of release from start to finish to reach background levels within 100 metres. KSH consultants also seemed unaware that fishing took place in the area where the outflow pipe was to be located.

FOIPOP information showed that by May 2018, Northern Pulp knew this plan would fail because of the shipwreck and ice scouring. This is just speculation but it seems being that this information was readily available that there was a planned failure to create even more of a time crunch. In July, they said they would file an EA submission on their ETF in the fall while admitting they knew the shipwreck was there all along (4).

Early in 2018 there was an ash spill resulted from a pipe leading to the power boiler that received an environmental directive. The big news on pipe leaks came on Northern Pulp pipe leaks came in October when NP had another large raw effluent leak that took more than two weeks to clean up. The amount is currently not known to the public because it is currently under investigation. A key point to note with this is the manner in which the leak was found. The mishap was discovered by someone randomly walking their dog through the woods. This is very similar to how the 47 million litre leak that precipitated the Boat Harbour Act and brought assurances from the mill that this would not happen again(5).

Northern Pulp didn't plan for new survey work for Caribou Harbour to take place until the end of October into November. Adding this new component by not starting the survey work so late would have resulted in NP not being able to submit until January 2019 at the earliest. The fishers and the First Nations blockaded work against the surveyors. Despite all of the delays that NP created for themselves and their filing in January 2019 which followed a time line that, as stated, they created, they blamed the fishers blockade as a major reason for the delays.

After years of saying that Northern Pulp would honour the Boat Harbour Act, Kathy Cloutier announced on Jan 31, 2019, along with their EA submission, that they would seek an extension on the use of Boat Harbour indefinitely while also stating that the continued sad history between the Mill, the Pictou Landings First Nations and Boat Harbour could no longer continue (6). A statement that completely contradicts itself. To add to that she stated that the Pictou Landings First Nations and Northern Pulp had shared goals. This announcement was made on the day the PLFN were celebrating that Boat Harbour would finally be able to be returned to what it was before it was stripped from them five decades ago. Despite the Boat Harbour Act negotiated by the NS govt and the PLFN that five years before gave Northern Pulp a fighting chance at continuing while clearing the way for Boat Harbour remediation, Northern Pulp and the PLFN clearly don't have shared goals anymore.

From a personal perspective of this process, a couple of the questions that I submitted to Dillon Consulting were "What is the effect this effluent will have on lobster?" and "Will there be testing done with the proposed effluent on lobster." In the EA there is a section that lists questions that the public submitted. Those questions don't appear there. In fact, there is not one reference to studies done on lobster in the entire EA because they never completed any.

My concerns with Northern Pulp's EA submission for their ETF broken down into sections:

- 1) The process
- 2) The pipeline route
- 3) The outflow location and plan
- 4) air emissions
- 5) ETF location
- 6) Integrity of the proponent, ability to comply with the Industrial Approval
- 7) Impacts on Fishing and Economic reasons
- 8) municipal laws and other factors

1) The Process

A class one assessment was chosen for this project. According to then Minister for the Environment Iain Rankin that classification was automatic (7). Looking at Nova Scotia's guidelines on classifications of environmental assessments, a class two definition is described as "undertakings are typically larger in scale and are considered to have the potential to cause significant environmental impacts and concern for the public... These undertakings require an environmental assessment report and formal public review which may include hearings." (8)

Northern Pulp's submission is approximately 1700 pages for an ETF that will cost about \$130M of taxpayer money IF the court case between the province and Northern Pulp against the First Nations reverses a decision that found that the province had to consult with the First Nations before money could be handed to Northern Pulp. This project will have lasting affects on both the forestry and the fishing industry for decades to come. That should be by definition 'larger scale'. There have been Class two assessments for projects in this province before. To get a better understanding of perspective on the Class one decision, where does the government see Northern Pulp's ETF submission in relation to those other projects and what were those other projects that warranted more scrutiny in terms of scale?

A plan with the capacity to pump up to 85 million litres of effluent into prime breeding grounds of the Northumberland Strait not only will cause a significant environmental impact but also has drawn a large concern for the public. The Land and Sea rally brought over 3000 people and 200 Boats to Pictou for a protest (9). Thousands of letters representing First Nations, Fishers, Citizens, Tourism and Fishing Associations from 3 provinces and 19 Federal Senators have been sent to the federal government asking for a federal assessment. This demonstrates 'concern for the public'.

Mr. Rankin's decision on the project warranting a Class one assessment can still be properly applied when present Minister for the Environment Margaret Miller conducts her review. The details of the project, possibly being larger than Mr. Rankin expected

when he made his decision, can still face proper scrutiny under a class one as there is a caveat that allows "Other opportunities may exist if the Minister decides that a focus report or an environmental assessment report is required" (8) Barring either the submission being denied or an about face to allow for a Class two assessment, it would seem that adding the focus report or environmental assessment report would be the logical next step.

In Northern Pulp's EA submission they explain the process of informing the public. This included open houses, mail outs, press releases and the like. A major concern here is their original presentations reached a lot of people with details that are no longer part of their plan and the change in outflow location changes the amount of concern some people would have for the project. When the original open houses were conducted, the plan was to pump effluent to the mouth of Pictou Harbour. People who live in the Caribou area may not have been as concerned or followed the plan as the outflow wasn't going to be close to their property. With a submission of a 1700 page document, someone finding out about this large scale project would not have the time to decipher such an immense technical document in 30 days. Even on a recent episode of "The National" CBC had a graphic showing the proposed pipe going out through the mouth of Pictou Harbour instead of the submitted plan for the pipe going out Caribou Harbour (10). Northern Pulp's website that was set up to educate the public still has a lot information that is now incorrect due to their change in plans (11). Northern Pulp also set up a facebook group requesting that people have an open mind and ask questions. Shortly after that, they banned a lot of people who were asking questions and routinely delete comments of concern. Due to the level of effort made by Northern Pulp to educate people on their original plan, there should have to be at least equal effort for Northern Pulp to consult and educate the public on their actual submission to ensure the public actually understands what NP plans to do and not rely on what NP had originally told them their plan was.

To this date, Northern Pulp still has not held an open house in the Town of Pictou even though their original plan was to have the outflow point at the mouth of the Pictou Harbour or with their submitted plan that has raised concerns over the plan to due work over and put an effluent pipe through the town's watershed.

During the original open houses, Chief Andrea Paul pointed out that there wasn't an open house scheduled in Pictou Landing. Northern Pulp agreed and after word got out, tried to discourage people who weren't from the PLFN from attending. Chief Paul correct that stating that anyone wanting to understand this project were welcome to attend.

There is a lot of concern over the perceived conflict of interest around the NS govt role in making a decision on NP's ETF approval with the indemnity agreement (12) possibly influencing Nova Scotia's decision in that the province could be financially motivated to find in favour of the proponent to avoid litigation. This was one of the reasons for requesting a Federal Assessment.

2) The pipe route.

The plan submitted has the pipe's route to go along the Harvey A Veinot Causeway, over Pictou's watershed along the Trans Canada Highway and out 4kms into the Northumberland Strait.

On page 11 it is explained that "An EA identifies potential environmental affects, proposes measure to mitigate adverse environmental effects, predicts whether there will be significant adverse environmental affects after mitigation measures are implemented, and includes a follow up program to verify the accuracy of the EA and/or the affects of the mitigation measures."

Early in the submission on page 12, it states that NP did not "facilitate full biological field assessments for the current proposed transmission pipeline corridor". It goes on to state that this nor studies on the marine environment weren't completed in time for their registration. Their 'commitment' to follow up shows that they recognize that this work is important to their submission. It continues on page 13 to say this work will be done in the spring and summer. If it's important to the submission, then it should have been completed and included in the submission. How can the quote in the previous paragraph be followed if studies have not been completed?

One of the first issue with the pipe route has to do with migratory birds. In the EA submission, it says that there is non significant affects on migratory builds yet from late April until early October, cormorants make the side of the Causeway their home. There is nothing in the EA that addresses this. Any construction of a pipeline would damage where they live and do them significant harm. This shows just one of the many potential omissions with relying on desktop studies instead of doing the actual work.

After you get across the causeway, you are moving the pipe across the town of Pictou's watershed. The construction of and the use of an effluent pipeline puts Pictou's source of water at risk. The town is in the process of its own major project to finally secure drinkable water for the citizens who have not been able to have drinkable water. Whether the risk arises during the construction or 50 years down the road, as mentioned in my opening preamble, Northern Pulp does not have a demonstrated history of showing either proper maintenance of pipelines nor monitoring for when damage of pipelines arise. This is a risk that is not worth taking.

The pipe then moves along the shoulder of the Trans Canada Highway near water courses and wetlands on its way towards where it reaches the Northumberland Strait. The

aforementioned lack of studies on biological and marine environments and Northern Pulp's previously mentioned history is cause for concern here as well. With their not having done the studies and no plans to have them completed until the summer, I don't see how the NS Department of Environment can even make a judgement on the potential risk for this area.

3) The effluent pipe's outflow location and plan

The plan is to extend the pipe about 4 kms from the shore through Caribou Harbour to an outflow location that appears to have a depth of about 40-65 feet made of mud, sand and rock (13). To put this depth into perspective, 60 feet 6 inches is the distance from home plate to pitcher's mound on a baseball field. That's deeper than the original outflow point near Pictou Road but still not very deep. This is adjacent to the PEI ferry route and requires routine dredging due to shifting sand and silt. Dredging generally seems to be done approximately every 10 years (14). The end of the pipe itself will have three ports with a plan of dispersing the effluent, that as described by NP's technical engineer in the preamble, will be worse than what is coming out of Boat Harbour now. In the EA it states that the characteristic of the effluent will not be known until project completion. They know it will be worse, but don't know how bad and can't submit a testimony to that quality in time for NSE to make a ruling on whether it is okay for an ETF with a capability of producing up to 85 million litres of that unknown effluent each and every day.

The original plan called for six ports being required for the dispersal. The present plan calls for three ports. This is one of those facts that anyone going by Northern Pulp's open houses and distributed material are not aware. Under ideal conditions, this is supposed to bring the effluent to background conditions within 100 metres to meet Federal Guidelines. Although this trench is deeper than the original outflow location it is a narrow trench with a shifting bottom. It is also a very important area for among other like lobster, crab and herring, it also includes species of concern like Atlantic Salmon and Stripe Bass. Northern Pulp and their consultants/contractors have not completed the survey work for the area yet somehow concluded that there will be no adverse effects.

Concerns with this location that are not known include the effects that the shifting bottom will cause, the ability for the outflow pipe to remain free of mud and silt and the extent and characteristic of monitoring to ensure there are no issues. Monitoring on other components of NP's Industrial Approval are infrequent and lack any consequences that would motivate concern from NP. The indemnity agreement absolves the mill and its successors from harm. The province owns the effluent.

According to the EA, the effluent will contain 4,000 kg total suspended solids each day.

This would add to the build up that would end up in this narrow channel that is only about 60 feet deep.

Ice scouring was a major factor that prevented the first plan from working. Ice scouring and ice build up is an occurrence throughout the Northumberland Strait. Stantec's research has shown there to have been 133 features during their 2015 survey that was completed for the PEI-New Brunswick cable interconnection upgrade project (15). Just to reiterate the point, Northern Pulp have not completed their assessments on this and again have concluded there will be no adverse affects.

Page 21 of the EA shows that assessments by NP need to be completed for DFO in relation to fish habitats. "Geotechnical investigation will be completed in order to facilitate detailed design and provide sufficient information to estimate the harbour/ marine footprint of the pipeline/outfall. Habitat assessment and preliminary proposed project footprint information will form a component of a DFO Request for Review to determine authorization requirements under the Federal Fisheries Act." If this study hasn't been done and DFO can't authorize the pipe due to concern over potential serious harm to fish, the province shouldn't be able to authorize the project as Northern Pulp wouldn't have been able to show that it would be operational before the decision by the Minister for the Environment is made.

According to CLC meeting minutes from Spring 2017, Northern Pulp required both the Boat Harbour ETF and the New ETF to run concurrently for six months while the biology developed in the AST system (B). According to page 81 of the EA, the commissioning phase would take between one and three months. This is concerning because it sounds like the timeline is being rushed to compensate for money that could be lost should the appropriate time be taken for the biology to develop.

4) Air emissions.

There's a section in the EA that addresses VOCs on page 141. In it Northern Pulp tried to discredit the findings that showed we have elevated levels of VOCs while trying to pass the blame off on a combination of Michelin and NSP Trenton. I found it interesting that the EA found it not credible because the study to which they referred went with "a statistical evaluation of ambient data in correlation with wind direction, without further site specific investigation" yet the EA surmised that the VOCs may have come from other sources like "transportation sources, or other industrial sources like the Michelin Tire plant or the Trenton coal-fired power plant, **presumably** all sources of VOC emissions to some degree." The EA also stated that VOCs had elevated levels when the prevailing winds were from the northeast of the mill. Given the locations of Michelin (to the west) and NSP Trenton (to the south) it would seem that there must be more validity to the data

collected in the paper by Hoffman et al. then the 'presumption' that this EA submission is making. At the very least, it strengthens a case for having continual emissions monitors on not only Northern Pulp's stacks but possibly those of Michelin and NSP Trenton as opposed to making presumptions and allowing elevated levels of VOCs to continue based on the failed logic that, since you can't tell whether it's one or all three of the main sources of air pollution in the county, it doesn't require further investigation.

Emma Hoffman recently defended Northern Pulp's presumptions in a recent article for The Examiner. (A) " Northern Pulp's EA also stated that the study did not attempt to rule out the contributions of other potential sources. But Hoffman, Guernsey, and Walker say this "is clearly not a true statement," and that the study did not disregard other potential sources of VOC emissions. The study openly acknowledged and discussed in detail the other potential local emission sources in the area, including a coal-fired generating station in Trenton and a tire manufacturing facility. The study even provided a map indicating these other potential sources relative to the Granton NAPS site." Just because Northern Pulp states something, doesn't mean it's true.

With the new ETF, sludge is to be dewatered and burned in the power boiler. This will cause an increase of about 5% more pollutants in coming from the power boiler. Northern Pulp has only managed to stay under the emissions limits as laid out in their Industrial Approval for just over a year now which only spans six tests. Again, a change like this with a company that has a reputation for failing its emissions tests would warrant Continuous Emissions Monitoring system in place. Page 148 even has Northern Pulp stating that they believe there should not be increased monitoring despite the adding of a new element to what they are burning in their power boiler. This demonstrates that they don't want more scrutiny on part of their process that has failed in the recent past.

The EA states that they won't know the effluent's chemical makeup until after the project is complete. If that is the case, how can they know the chemical makeup of the sludge that they plan to burn in their power boiler? What will that chemical makeup be once it becomes airborne? How will that increase the level of VOCs in the area?

During the open houses a key component that also appears pictured in the EA submission is the Oxygen Delignification system. Consultants said that this would cost about \$70M and be paid for by the mill owners. In the EA it is highlighted in a different colour and it says that it would be built in the future. If this is a key part of the operation to reduce emissions, smell and make the effluent better (which as we covered before, is actually going to be worse) why is it not part of this project? With the length of time it is taking Northern Pulp to get this \$130M project underway where they may not even have to foot the bill, I am concerned that this promised oxygen delignification system will not come to fruition.

5) ETF Location

The plan is to locate the ETF next to where Canso Chemicals was/is. Knowing the history of the missing mercury, what sort of excavating/site cleaning will go on here? I have concerns over any chemical from or near the former site being unearthed. Who would over see this work? I would expect it would be some third party agency like NS Lands who have experience with this sort of work. What would be the process for doing any of the clearing? Knowing the concerns facing the removal and disposing of anything on the mill property or on the property of Canso Chemical be treated with the same care that is being applied to Boat Harbour which received both a Class Two provincial assessment as well as a Federal Assessment? If not, why not?

I did not find a mention of mercury in Northern Pulp's EA submission and considering the history that the two properties share, that should have been given consideration and seems perplexing with its absence. Is there any chance if this place isn't excavated properly, that any mercury that is on site could seep into the sludge and end up burned in the power boiler?

Are Canso Chemicals, it's current or previous owners protected by the Indemnity Agreement? Are people who are connected to Canso Chemicals that are also connected to the mill held free of harm should any wrongdoing be uncovered that relates to their connection to Canso Chemicals?

6) Integrity of the proponent, ability to comply with the Industrial Approval

Any decision to grant an approval on a project like NP's ETF should take into consideration the people in charge of the work and overseeing its operation. If I were to submit this identical proposal, I wouldn't expect NSE to grant my approval because I have not demonstrated the capabilities of completing a project of this size.

Northern Pulp has had about a dozen infractions, ministerial orders and pipe leaks. They are on Canada's Environmental Offenders registry. They are currently still under investigation for their most recent pipe leak. I realize the timing of Northern Pulp's EA submission and the 30 day public consult period followed by the 20 days to make a decision period was not precipitated by actions of the Minister for the Environment or NSE. Making a decision on granting a project of this magnitude prior to completing an investigation for an event that could lead to criminal charges just doesn't sound prudent. It feels akin to making a decision to leave your child with a babysitter this weekend even though you know a decision on child abuse charges for that babysitter will be announced the following Monday.

Any approval for this project hands over responsibility for monitoring and maintaining operations this project to a proponent with a horrible track record who has stated in a number of spots in this EA that studies that it agrees should be done, have not been completed.

Northern Pulp, as explained in my preamble, have a demonstrated history of saying one thing and doing something different. Examples previously given and cited include failure to do proper maintenance and monitoring of an effluent pipe.

Concerning is the combination of lax regulations, lack of monitoring and weak enforcement and penalties that was cited by the auditor general (16) not only in general in this province but how that applies to Northern Pulp. During the installation of the precipitator, NP was allowed to keep operating because it was "working towards compliance". That took a few years. That is not acceptable. When talking about an effluent pipe that could put the ecology of the Northumberland Strait and its corollary fishing industry at risk, allowing a mistake to continue for years while working towards compliance is not an acceptable option. If there is a malfunction that is noticed, what steps are going to be taken to properly empty the 15km pipe before its contents are pumped out into the Northumberland Strait?

7) Impacts on Fishing and the Economy

One of the big rallying cries from Northern Pulp has been what the closure of Northern Pulp will do to jobs in the province. Stepping away from the very real fact that the dilemma of Northern Pulp closure has been brought on by their neglect of their effluent pipe followed by their not coming up with a suitable replacement plan for the Boat Harbour ETF, jobs are important. What seems to get lost in all of this is the fact that fishing and tourism jobs matter as well. Those industries are not doing anything to put Northern Pulp's business in peril. Northern Pulp did that to themselves.

There are about 300 people who work for Northern Pulp. Their economic activity accounts for 5 indirect jobs for everyone direct job so a total of about 1800 jobs. There are over 3000 fishermen who work in the Strait. Applying that same metric would mean 18,000 jobs would be at risk if we kill the Northumberland Strait fishing industry. Tourism was not even considering in Northern Pulp's submission.

In 2003 Alberta had a case of mad cow disease (17). This was estimated to have caused a \$5B hit to beef producers. Stewardship over fishing happens in much the same way. If one lobster is contaminated, just like the Alberta mad cow incident, hamper the Atlantic region's ability to sell seafood. It took about two years before Alberta was allowed to resume business as usual. It took remedying the situation and reassuring the markets Alberta beef was safe to eat. Those factors would not be in play with Atlantic seafood

because we likely would still be pumping the effluent that caused the problem each and every day over that two year period and continue until the end of the life of the mill.

Northern Pulp exported about \$220M in product in 2017. Fishing topped \$2B last year in exports. Tourism on the North Shore topped \$200M with the NS economy growing by about a half billion in the last few years to the \$2.7B mark (18). The Ivany Report set a goal of expanding tourism to \$4B. Nova Scotia's brand is based on the lobster and being Canada's Ocean Playground. We have the warmest waters north of the Carolinas due to the Northumberland Strait being shallow and warming quickly in the summer. If we develop a reputation sick lobster and unswimmable waters, there goes fishing and tourism.

On page 110 of the EA, Northern Pulp draws the conclusion that there will be no harm to the commercial fishing industry without doing any tests on fish.

8) Municipal laws, PLFN and other factors

Currently, Northern Pulp does not have permits for running a pipe through the town of Pictou or the County of Pictou. I do not believe a project should be given the ok until these can be obtained.

At the start of this process we've heard repeatedly about the indemnity agreement, Nova Scotia taxpayers being on the hook for costs and negotiations being ongoing when it comes to who is paying for the ETF project. In the fall, a Supreme Court decision came forward that the province would have to consult with the PLFN on any funding that would go to Northern Pulp (20). Northern Pulp has recently joined the province in its fight against that decision although the current situation is that Northern Pulp will not get money from the province to pay for this ETF project. Being the current situation, Northern Pulp should not be allowed to move forward on this project without showing that they would completely fund this project.

At least fifteen First Nations fishermen, fish out of the area of the outflow pipe. "The Supreme Court of Canada confirmed that the Mi'kmaq and Maliseet First Nations continue to have treaty rights to hunt, fish and gather towards earning a moderate livelihood. These Treaty rights must be implemented. Along with these treaty rights, First Nations maintain that they continue to hold Aboriginal rights and title throughout their traditional territory. This creates a special situation unlike any other found in Canada. There is no model or generic approach to follow on how to proceed in these negotiations. All parties must be prepared to consider how to devise a negotiation process which meets everyone's circumstances, needs and interests." (21) This would

seem to indicate that if the Mi'kmaq of the Pictou Landings First Nations are not in agreement with risking their ability to fish in a this area where they hold Aboriginal rights and title, then the NS govt can't approve this project.

My understanding of the Boat Harbour extension that was signed by then Premier John Hamm may not have been legal and faces future legal challenges. I believe that should be dealt with before any 'compensation' on ending the Boat Harbour lease before 2030 should be given.

On page 70 Section 5.2.1 it says that Northern Pulp will be in charge of monitoring effluent quality discharged to the receiving environment. They are supposed to be in charge of that now and that has lead to two large raw effluent leaks in less than five years. I believe they've demonstrated an inability to complete these tasks.

Page 82 lists a number of things that Northern Pulp should have completed before filing let alone obtaining approval. They include: various approvals, avian/turtle studies, MEKS field studies, Archaeological shovel testing for pipeline, geotechnical land surveys for land portion of pipeline, marine seismic testing, habitat and confirmation of marine pipeline alignment. Still no mention of testing effluent on creatures like lobster, crab, Atlantic Salmon, striped bass...

I do not believe the effluent test of putting ten trout in a bucket of effluent for 96 hours to see if more than half survive could ever be described as adequate testing regulations to meet effluent quality. Throwing that kind of testing at the our fishing industry is plotting a course for disaster.

On page 106 of the EA, NP states that neither the Fishermen nor the PLFN offered any input to the outflow location evaluation other than expressed opposition. This seems to try to discount their opposition to a pipe going into the Northumberland Strait as the Fishers and the PLFN not helping with the decision. At the open houses, NP was told by the fishers and PLFN that the water was too shallow and there would be ice scouring. The prevalence of ice at the Caribou Harbour location would not be much different. Either way, a plan that would put their fishing livelihood at risk was not going to be acceptable. The fishers' associations even offered to help cost share any project that didn't involve putting a pipe into the Northumberland Strait. Basically, this amounted to the fishers and PLFN evaluating the plan based on their vast knowledge of the Northumberland Strait as a bad idea and Northern Pulp disagreed based on their wanting to put a pipe in the Strait.

My Conclusions.

I believe the repeated mentions of studies that have not been concluded demonstrates that the proponent has still not completed all of the work necessary for this to have been submitted in the first place. Seeing their comment that the AST system could be brought up to speed in 1-3 months after telling their CLC that it would take six months adds concern that this project is being rushed and proper care is not taking place. Changing the outflow location doesn't really change the concern of ice scouring that caused their first option to fail.

From a purely environmental side of things, having effluent that is worse than what is going into Boat Harbour and pumping that into the prime breeding grounds of the Northumberland Strait seems completely ill-fated considering what the current process has done to Boat Harbour. At least with Boat Harbour, most of the damage was contained to the receiving basin, Boat Harbour and the shoreline.

From a legacy point of view, look at what the legacy of the decision to strip Boat Harbour away from the Pictou Landings First Nations has created. It's one of the worst cases of environmental racism this country has seen. Pumping this effluent into the Strait has the very real potential of poisoning our water and our food. I know not being able to prevent the disaster that became Boat Harbour weighed heavily on the PLFN. I can't imagine what making a similar decision with the potential for similar consequences on behalf of everyone would be the legacy I'd want to leave to our children.

From a point of having faith in the people running the mill, I don't understand how they could have a new Industrial Approval approved. About a dozen infractions, ministerial orders and pipe leaks. At some point they should be held accountable for not meeting the terms of their approval or what is the point of issuing terms with an approval?

If the decision is being weighed as a protector of jobs or from a purely economical stance, there's more at risk with harming our fishing industry. If that pipe goes in, we're likely locked into the ramifications of living with a bad decision if things don't go well for the next 50 years with a pulp mill that will be over 100 years old.

There really hasn't been an effort made to come to a reasonable agreement with the Fishers or the First Nations. Throughout the process it has been Northern Pulp dictating what they want to do with their tag line 'no pipe = no mill'. That really causes concern in that it wouldn't be surprising if instead of trying to come up with a plan that works, this process feels like it was 'this is the plan', now how do we dress it up to look like it works.

Northern Pulp have stated that they require an extension on their use of Boat Harbour. As outlined early on in this, they've had over five years and chose initially to take other actions instead of getting the ball rolling. This latest ask for more time is far from being their first ask. The mill has been failing since they took it over and we've been hearing

the phrase 'we need more time, just give us a chance' since the beginning of their ownership. The mill was designed to last 25 years and was 40 years old. According to Lana Payne from Unifor, the concessions made in their contract were to allow the owners to renovate the mill because proper upkeep hadn't gone on in 40 years. If the decision were made to okay this new ETF, when would the province be buying a new mill because it feels like we're putting brand new tires on a car that won't last the week.

Please see the EA submission as the large incomplete document that it is. At the very least, the immense size of this project, the material put forth, the potential risk to the environment and the large amount of concern that people have for the risk to their health, the environment and their livelihoods, if this EA submission isn't rejected, it definitely warrants a focus report (environmental assessment report).

Thanks for taking the time to read this. Making a decision on this, even if the choice is clear, is not an easy task.

Terry Dunbrack

(1) <https://www.cbc.ca/news/canada/nova-scotia/northern-pulp-mill-shut-down-due-to-effluent-leak-1.2670721>

(2) <https://www.cbc.ca/news/canada/nova-scotia/northern-pulp-air-emission-tests-fails-again-1.4295686>

(3) <https://globalnews.ca/news/2131146/pictou-harbour-shipwreck-could-be-over-120-years-old-diver/>

(4) <https://www.cbc.ca/news/canada/nova-scotia/proposed-northern-pulp-pipe-route-ocean-problems-1.4733101>

(5) <https://www.thechronicleherald.ca/news/regional/northern-pulp-scrambles-to-clean-up-effluent-spill-252239/>

(6) <http://www.paperexcellence.com/news/opening-remarks-northern-pulp-ea-submission-press-conference>

(7) <https://www.cbc.ca/news/canada/nova-scotia/northern-pulp-proposal-boat-harbour-waste-water-facility-1.4270995>

(8) <https://novascotia.ca/nse/ea/faqs.asp>

(9) <https://www.theguardian.pe.ca/news/local/paper-excellence-quells-rumours-protests-are-causing-company-that-owns-northern-pulp-to-pull-out-of-pictou-county-226139/>

(10) <https://www.youtube.com/watch?v=rHqSqZF0OYM&feature=youtu.be>

(11) <https://www.northernpulpfuture.ca>

(12) <https://www.change.org/p/minister-environment-of-nova-scotia-save-the-northumberland-strait-protect-our-atlantic-salmon-and-sea-trout/u/22909966>

- (13) [http://fishing-app.gpsnauticalcharts.com/i-boating-fishing-web-app/fishing-marine-charts-navigation.html?
title=Northumberland+Strait+boating+app#12.29/45.7433/-62.6335](http://fishing-app.gpsnauticalcharts.com/i-boating-fishing-web-app/fishing-marine-charts-navigation.html?title=Northumberland+Strait+boating+app#12.29/45.7433/-62.6335)
- (14) <https://www.canada.ca/en/news/archive/2008/05/federal-government-improves-caribou-nova-scotia-ferry-terminal.html>
- (15) [https://www.princeedwardisland.ca/sites/default/files/publications/cle_vol4.pdf?
fbclid=IwAR3wj2twWKWHLzW8M6tr5AfucodL5eQ3y6Ynskj881fMu8rBljgEIX0T1q4](https://www.princeedwardisland.ca/sites/default/files/publications/cle_vol4.pdf?fbclid=IwAR3wj2twWKWHLzW8M6tr5AfucodL5eQ3y6Ynskj881fMu8rBljgEIX0T1q4)
- (16) <https://www.cbc.ca/news/canada/nova-scotia/auditor-general-environment-approvals-1.4381562>
- (17) <https://globalnews.ca/news/1830438/timeline-canadas-2003-mad-cow-disease-crisis/>
- (18) <https://tourismns.ca/2017-record-year-tourism-nova-scotia>
- (A) [https://www.halifaxexaminer.ca/province-house/dalhousie-researcher-breaks-silence-over-pulp-mills-cancer-causing-air-emissions/?
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the%20problem](https://www.halifaxexaminer.ca/province-house/dalhousie-researcher-breaks-silence-over-pulp-mills-cancer-causing-air-emissions/?fbclid=IwAR0GdA9CCoyPkhKuIsOk2IUOBUE-h-NX-NzR-GN1RX3L3gIUonzcA2emCIA#Boat%20Harbour%20could%20be%20adding%20to%20the%20problem)
- (20) <https://www.cbc.ca/news/canada/nova-scotia/consultations-mi-kmaq-financing-northern-pulp-effluent-plant-1.4931101>
- (21) <https://www.rcaanc-cirnac.gc.ca/eng/1100100028589/1539608999656>
- (B) http://docs.wixstatic.com/ugd/7a1cbf_5006cfe89b9a41b79ed44ed39a5960b3.pdf

* There is no 19 footnote. A and B were added as I was working out of sequence at times out of this and I'm too tired to go back and try to rearrange the numbers. (-: