

Appendix D
Boat Harbour Environmental Advisory
Committee Terms of Reference

TERMS OF REFERENCE
BOAT HARBOUR ENVIRONMENTAL ADVISORY COMMITTEE
January 22, 2016 Draft for Discussion Purposes

CONTEXT

The Boat Harbour Act, An Act Respecting the Cessation of the Use of the Boat Harbour Effluent Treatment Facility for the Reception and Treatment of Effluent from the Northern Pulp Mill sets closure of Boat Harbour to effluent from generated by Northern Pulp Nova Scotia Mill by January 31, 2020. This was a result of the June 16, 2014 Agreement in Principle that committed Nova Scotia and Pictou Landing First Nations to negotiate “reasonable timelines” for the closure of the Boat Harbour Effluent Treatment Facility, which enables future remediation.

During the period to January 31, 2020, there will be continued planning on Boat Harbour remediation, including Pictou Landing First Nation community engagement and the provision of support to the Pictou Landing First Nation community to enable their participation in the remediation. While we see a window of several years for planning, it is also anticipated that the full scope remediation of Boat Harbour will also require several years of civil construction to completion.

Transportation Infrastructure and Renewal through Nova Scotia Lands Inc. is the designated lead on the Project, with responsibility for the closure, planning and remediation of the Boat Harbour Effluent Treatment Facility. This includes, but is not limited to, returning Boat Harbour to its natural state as a salt water estuary, and the development of oversight mechanisms to manage funds with due diligence, hereby referred to as the ‘Project’. In addition, Nova Scotia Lands Inc., in consultation with the Office of Aboriginal Affairs, is responsible on behalf of Nova Scotia for liaison with First Nations and stakeholder groups in respect of the Project, as well as the management of reporting, submission and communication requirements. As the administrator of funds for the Project, Nova Scotia Lands Inc. is also the proponent for the work in accordance with the Nova Scotia Environment Act.

PROJECT MANAGEMENT

In order to implement the Project, the project management lead decision making role has been assigned to Nova Scotia Lands Inc. Within Nova Scotia Lands Inc., the lead role is assigned to a senior manager, as Project Leader, who will report to the President of Nova Scotia Lands Inc. and the Deputy Minister of Transportation, Infrastructure and Renewal. This lead role is to seek and implement policy direction in managing the issues through senior management of Nova Scotia Lands Inc. and Transportation, Infrastructure and Renewal who will be responsible for setting strategic direction on the issues and for making decisions in accordance with delegated authorities.

In being responsible for project management, Nova Scotia Lands Inc. is also responsible for providing leadership in other areas, including, but not limited to, issues related to Pictou Landing First Nation, the environment, community consultation and regional economic development opportunities. Nova Scotia Lands Inc. is responsible, among other things, for ensuring that the project is carried out in a manner that ensures the protection of the environment and is in compliance with all federal, provincial and municipal legislation.

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PURPOSE OF BOAT HARBOUR ENVIRONMENTAL ADVISORY COMMITTEE

Successful implementation of the Project will require, among other things that Nova Scotia Lands Inc. ensures that the Project is carried out in an environmentally acceptable fashion and in a manner safe to human health. To accomplish this, and to promote compliance with existing environmental law and best science, Nova Scotia Lands Inc. must adequately implement required health and safety and environmental management initiatives.

Accordingly, Nova Scotia Lands Inc. will require expert advice on the environmental management of the Project throughout life of Project. Working arrangements with Dalhousie University, Nova Scotia Environment, Nova Scotia Office of Aboriginal Affairs and Pictou Landing First Nation (PLFN) have been discussed for the purpose of providing scientific, remediation and regulatory expertise to the Project. The objective of meeting as an advisory committee is to help develop strategic and operational solutions and options to guide approaches to pilot scale work and the selection and evaluation of possible remedial technology options.

Nova Scotia Lands Inc. has initiated the creation of the Boat Harbour Environmental Advisory Management Committee (BHEAC) with a purpose to inform Nova Scotia Lands Inc. on all matters respecting the environmental management of the Project. In this regard, the BHEAC will be responsible for providing guidance to Nova Scotia Lands Inc. during the development and implementation of the Project's Environmental Management Plan (EMP) and Environmental Effect Monitoring Plan (EEMP).

The BHEAC will help identify and review implementation strategies and measures, and will provide advice on these initiatives to Nova Scotia Lands Inc. It will serve as a forum for information exchange on scientific and regulatory information pertaining to the environmental management of the Project including addressing and considering concerns and issues related to the impact of the Project on the Pictou Landing First Nation as well as other communities in proximity to either Boat Harbour or Project activities.

In this regard, the BHEAC responsibilities will include advice on:

1. Scientific studies required to adequately prepare discrete or broad scope project descriptions as well as to adequately develop environmental effects monitoring.
2. Environmental monitoring programs, compliance monitoring, health and safety plans, contingency plans, environmental protection plans, emergency response plans, regulatory plans, compliance plans, etc.
3. Effectiveness of these plans throughout the life of the Project.
4. Progress in meeting EMP and EEMP requirements.
5. The mitigation of adverse environmental impacts.
6. Development and implementation of a follow up program.
7. Opportunities for undergraduate/graduate studies in the engineering, environmental and social disciplines.

The BHEAC will not serve in a regulatory capacity. The Committee will, however, consider issues for discussion between experts and regulators in order to facilitate informed decision making.

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REPORTING STRUCTURE

The BHEAC will provide advice to Nova Scotia Lands Inc., according to these Terms of Reference, on the environmental aspects of the Project as they relate to the planning, implementation and post completion phases of the Project.

REPRESENTATION

Nova Scotia Lands Inc., within the structure of Nova Scotia Department of Transportation and Infrastructure Renewal, has the responsibility for the administration of provincial funds and other resources in respect of the Project, and is accountable for the Project results in terms of its performance on budget, schedule and scope.

The Department of Environment will be the chief regulator of the Project on the part of the Province, chiefly with respect to environmental protection, pollution control and occupational health and safety.

The BHEAC will include representatives of:

Nova Scotia Transportation, Infrastructure and Renewal
Nova Scotia Lands Inc.
Nova Scotia Environment
Nova Scotia Office of Aboriginal Affairs
Dalhousie University
Pictou Landing First Nation
Others as deemed appropriate*

*The Committee may add representatives based upon the requirements of the agenda or the issues under consideration by the Committee.

COMMITTEE CHAIR

The chair of the BHEAC will be a representative of Nova Scotia Lands Inc. Advice adopted by the chair and communications transmitted on behalf of the BHEAC are representative of the majority of the Committee and are not necessarily official policy of the Government, or any individual member group.

MEETINGS

Meetings are expected to occur no more frequently than monthly during the implementation phase of the Project and, in general, will be based upon the requirements for advice.

Meetings are expected to be held in Halifax, Nova Scotia.

The Chairperson may be expected to periodically brief stakeholder groups from time to time.

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ATTENDANCE

We ask appointed representatives of the member organizations, or a designated alternate to attend committee meetings. From time to time, other individuals (consultants, technical experts, social scientists, etc.) may be requested to attend Committee meetings and/or assist the Committee as resource persons as the need arises.

FINANCIAL ARRANGEMENTS

Formal support services (e.g. secretarial, records management, etc.) will be provided Nova Scotia Lands Inc. Extraordinary expenses (e.g. consultant fees, cost of publications and distribution of reports, etc.) will also be borne by the Project and Nova Scotia Lands Inc.