

Appendix J
Documentation of Formal PLFN Consultation
Prior to Determination of Requirement for
Federal Environmental Assessment

Appendix J

Table of Contents

Assembly of Nova Scotia Mi'kmaq Chiefs

- Letters from NS Lands to 13 Indigenous Communities Re: Boat Harbour Remediation Project Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs

Summary of the Remedial Options Decision Document

- Boat Harbour Remedial Options Decision presentation, Dated April 19, 2018, presented by Christine Skirth, Project Manager and Peter Oram, Environmental Manager

PLFN's Position on the Remedial Options

- Letter from McKiggan Hebert Lawyer to Beth Lewis, Office of Aboriginal Affairs, Dated 2018, File No. 8364-028
Re: Boat Harbour Remediation - Consultation
- Letter from NS Lands to Chief Andrea Paul, Pictou Landing First Nation, Dated August 23, 2018
Re: Consultation with Pictou Landing First Nation on the Boat Harbour Remediation Project

Assembly of Nova Scotia Mi'kmaq Chiefs

- Letters from NS Lands to 13 Indigenous Communities
Re: Boat Harbour Remediation Project Consultation
with the Assembly of Nova Scotia Mi'kmaq Chiefs



NS Lands
nova scotia lands

5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Acadia First Nation
10526 Highway #3
Yarmouth, NS B5A 5J7

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with the Assembly of Nova Scotia Mi'kmaq Chiefs under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with the Mi'kmaq of Nova Scotia.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case the Mi'kmaq will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Given the timing of this meeting and this correspondence, we would like to propose making the meeting the first consultation meeting for this project. We request a response outlining the concerns and interests of the Assembly of Nova Scotia Mi'kmaq Chiefs with this project by May 17, 2018.

Please note that Sipekne'katik First Nation and Millbrook First Nation have been informed about this project.

Sincerely,



Ken Swain
Project Lead, Boat Harbour

Encl.

cc.

Twila Gaudet, Kwilmu'kw Maw'klusuaqn Negotiation Office

Beth Lewis, Nova Scotia Office of Aboriginal Affairs

Bridget Tutty, Nova Scotia Environment

Melanie Smith, Canadian Environmental Assessment Agency



NS Lands
nova scotia lands

5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Annapolis Valley First Nation
29 Toney Boulevard
Cambridge Station, NS B0P 1G0

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with the Assembly of Nova Scotia Mi'kmaq Chiefs under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with the Mi'kmaq of Nova Scotia.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case the Mi'kmaq will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Annapolis Valley First Nation

Page 4

April 18, 2018

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Given the timing of this meeting and this correspondence, we would like to propose making the meeting the first consultation meeting for this project. We request a response outlining the concerns and interests of the Assembly of Nova Scotia Mi'kmaq Chiefs with this project by May 17, 2018.

Please note that Sipekne'katik First Nation and Millbrook First Nation have been informed about this project.

Sincerely,

A handwritten signature in black ink that reads "Ken Swain". The signature is written in a cursive style with a vertical line at the beginning of the first letter.

Ken Swain

Project Lead, Boat Harbour

Encl.

cc.

Twila Gaudet, Kwilmu'kw Maw'klusuaqn Negotiation Office

Beth Lewis, Nova Scotia Office of Aboriginal Affairs

Bridget Tutty, Nova Scotia Environment

Melanie Smith, Canadian Environmental Assessment Agency



NS Lands
nova scotia lands

5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Bear River First Nation
130 Reservation Road
Bear River, NS B0S 1B0

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with the Assembly of Nova Scotia Mi'kmaq Chiefs under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with the Mi'kmaq of Nova Scotia.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case the Mi'kmaq will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Given the timing of this meeting and this correspondence, we would like to propose making the meeting the first consultation meeting for this project. We request a response outlining the concerns and interests of the Assembly of Nova Scotia Mi'kmaq Chiefs with this project by May 17, 2018.

Please note that Sipekne'katik First Nation and Millbrook First Nation have been informed about this project.

Sincerely,



Ken Swain
Project Lead, Boat Harbour

Encl.

cc.

Twila Gaudet, Kwilmu'kw Maw'klusuaqn Negotiation Office
Beth Lewis, Nova Scotia Office of Aboriginal Affairs
Bridget Tutty, Nova Scotia Environment
Melanie Smith, Canadian Environmental Assessment Agency



NS Lands
nova scotia lands

5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Eskasoni First Nation
P O Box 7040
63 Mini Mall Drive
Eskasoni, NS B1W 1A1

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with the Assembly of Nova Scotia Mi'kmaq Chiefs under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with the Mi'kmaq of Nova Scotia.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case the Mi'kmaq will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Eskasoni First Nation

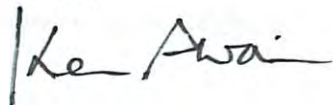
Page 4

April 18, 2018

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Given the timing of this meeting and this correspondence, we would like to propose making the meeting the first consultation meeting for this project. We request a response outlining the concerns and interests of the Assembly of Nova Scotia Mi'kmaq Chiefs with this project by May 17, 2018.

Please note that Sipekne'katik First Nation and Millbrook First Nation have been informed about this project.

Sincerely,

A handwritten signature in black ink that reads "Ken Swain". The signature is written in a cursive style with a vertical line to the left of the name.

Ken Swain

Project Lead, Boat Harbour

Encl.

cc.

Twila Gaudet, Kwilmu'kw Maw'klusuaqn Negotiation Office

Beth Lewis, Nova Scotia Office of Aboriginal Affairs

Bridget Tutty, Nova Scotia Environment

Melanie Smith, Canadian Environmental Assessment Agency



5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Glooscap First Nation
159 Smith Road
Hantsport, NS B0P 1P0

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with the Assembly of Nova Scotia Mi'kmaq Chiefs under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with the Mi'kmaq of Nova Scotia.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case the Mi'kmaq will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Glooscap First Nation

Page 4

April 18, 2018

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Given the timing of this meeting and this correspondence, we would like to propose making the meeting the first consultation meeting for this project. We request a response outlining the concerns and interests of the Assembly of Nova Scotia Mi'kmaq Chiefs with this project by May 17, 2018.

Please note that Sipekne'katik First Nation and Millbrook First Nation have been informed about this project.

Sincerely,



Ken Swain

Project Lead, Boat Harbour

Encl.

cc.

Twila Gaudet, Kwilmu'kw Maw'klusuaqn Negotiation Office

Beth Lewis, Nova Scotia Office of Aboriginal Affairs

Bridget Tutty, Nova Scotia Environment

Melanie Smith, Canadian Environmental Assessment Agency



5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Membertou First Nation
111 Membertou Street
Membertou, NS B1S 2M9

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with the Assembly of Nova Scotia Mi'kmaq Chiefs under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with the Mi'kmaq of Nova Scotia.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case the Mi'kmaq will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Given the timing of this meeting and this correspondence, we would like to propose making the meeting the first consultation meeting for this project. We request a response outlining the concerns and interests of the Assembly of Nova Scotia Mi'kmaq Chiefs with this project by May 17, 2018.

Please note that Sipekne'katik First Nation and Millbrook First Nation have been informed about this project.

Sincerely,



Ken Swain
Project Lead, Boat Harbour

Encl.

cc.

Twila Gaudet, Kwilmu'kw Maw'klusuaqn Negotiation Office
Beth Lewis, Nova Scotia Office of Aboriginal Affairs
Bridget Tutty, Nova Scotia Environment
Melanie Smith, Canadian Environmental Assessment Agency



NS Lands
nova scotia lands

5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Millbrook First Nation
P.O. Box 634
Truro, NS B2N 5E5

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Millbrook First Nation**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with Millbrook First Nation. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with Millbrook First Nation.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with Millbrook First Nation

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case Millbrook First Nation will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Once this meeting has occurred, we request a response outlining the concerns and interests of Millbrook First Nation with this project by May 17, 2018.

Millbrook First Nation

Page 4

April 18, 2018

Please note that the Assembly of Nova Scotia Mi'kmaq Chiefs has been informed about this project.

Sincerely,

A handwritten signature in black ink that reads "Ken Swain". The signature is written in a cursive style with a large initial "K" and "S".

Ken Swain

Project Lead, Boat Harbour

Encl.

cc.

Shelly Martin, Millbrook First Nation

Gerald Gloade, Millbrook First Nation

Beth Lewis, Nova Scotia Office of Aboriginal Affairs

Bridget Tutty, Nova Scotia Environment

Melanie Smith, Canadian Environmental Assessment Agency



5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Paq'tnkek First Nation
7 Dillon Street
Afton Station, NS B0A 1A0

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with the Assembly of Nova Scotia Mi'kmaq Chiefs under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with the Mi'kmaq of Nova Scotia.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case the Mi'kmaq will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Paq'tnkek First Nation

Page 4

April 18, 2018

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Given the timing of this meeting and this correspondence, we would like to propose making the meeting the first consultation meeting for this project. We request a response outlining the concerns and interests of the Assembly of Nova Scotia Mi'kmaq Chiefs with this project by May 17, 2018.

Please note that Sipekne'katik First Nation and Millbrook First Nation have been informed about this project.

Sincerely,

A handwritten signature in blue ink that reads "Ken Swain". The signature is written in a cursive style with a vertical line at the beginning of the first letter.

Ken Swain

Project Lead, Boat Harbour

Encl.

cc.

Twila Gaudet, Kwilmu'kw Maw'klusuaqn Negotiation Office

Beth Lewis, Nova Scotia Office of Aboriginal Affairs

Bridget Tutty, Nova Scotia Environment

Melanie Smith, Canadian Environmental Assessment Agency



5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Pictou Landing First Nation
43 Maple Street
R R #2, Box 55, Site 6
Trenton, NS B0K 1X0

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with the Assembly of Nova Scotia Mi'kmaq Chiefs under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with the Mi'kmaq of Nova Scotia.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case the Mi'kmaq will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Pictou Landing First Nation

Page 4

April 18, 2018

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Given the timing of this meeting and this correspondence, we would like to propose making the meeting the first consultation meeting for this project. We request a response outlining the concerns and interests of the Assembly of Nova Scotia Mi'kmaq Chiefs with this project by May 17, 2018.

Please note that Sipekne'katik First Nation and Millbrook First Nation have been informed about this project.

Sincerely,



Ken Swain

Project Lead, Boat Harbour

Encl.

cc.

Twila Gaudet, Kwilmu'kw Maw'klusuaqn Negotiation Office

Beth Lewis, Nova Scotia Office of Aboriginal Affairs

Bridget Tutty, Nova Scotia Environment

Melanie Smith, Canadian Environmental Assessment Agency



NS Lands
nova scotia lands

5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Potlotek First Nation
12004 Nova Scotia 4
St. Peter's, NS B0E 3B0

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with the Assembly of Nova Scotia Mi'kmaq Chiefs under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with the Mi'kmaq of Nova Scotia.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case the Mi'kmaq will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Given the timing of this meeting and this correspondence, we would like to propose making the meeting the first consultation meeting for this project. We request a response outlining the concerns and interests of the Assembly of Nova Scotia Mi'kmaq Chiefs with this project by May 17, 2018.

Please note that Sipekne'katik First Nation and Millbrook First Nation have been informed about this project.

Sincerely,



Ken Swain
Project Lead, Boat Harbour

Encl.

cc.

Twila Gaudet, Kwilmu'kw Maw'klusuaqn Negotiation Office
Beth Lewis, Nova Scotia Office of Aboriginal Affairs
Bridget Tutty, Nova Scotia Environment
Melanie Smith, Canadian Environmental Assessment Agency



NS Lands
nova scotia lands

5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Sipekne'katik First Nation
522 Church Street
Indian Brook, NS B0N 1W0

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Sipekne'katik First Nation**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with Sipekne'katik First Nation. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with Sipekne'katik First Nation.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case Sipekne'katik First Nation will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Sipekne'katik First Nation

Page 4

April 18, 2018

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Once this meeting has occurred, we request a response outlining the concerns and interests of Sipekne'katik First Nation with this project by May 17, 2018.

Please note that the Assembly of Nova Scotia Mi'kmaq Chiefs has been informed about this project.

Sincerely,

A handwritten signature in black ink that reads "Ken Swain". The signature is written in a cursive style with a vertical line at the beginning of the word "Ken".

Ken Swain
Project Lead, Boat Harbour

Encl.

cc.

Jennifer Copage, Sipeken'katik First Nation
Beth Lewis, Nova Scotia Office of Aboriginal Affairs
Bridget Tutty, Nova Scotia Environment
Melanie Smith, Canadian Environmental Assessment Agency



NS Lands
nova scotia lands

5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
Wagmatcook First Nation
P O Box 30001
75 Humes Rear Road
Wagmatcook, NS B0E 3N0

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with the Assembly of Nova Scotia Mi'kmaq Chiefs under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with the Mi'kmaq of Nova Scotia.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case the Mi'kmaq will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Given the timing of this meeting and this correspondence, we would like to propose making the meeting the first consultation meeting for this project. We request a response outlining the concerns and interests of the Assembly of Nova Scotia Mi'kmaq Chiefs with this project by May 17, 2018.

Please note that Sipekne'katik First Nation and Millbrook First Nation have been informed about this project.

Sincerely,

A handwritten signature in blue ink that reads "Ken Swain". The signature is written in a cursive style with a large initial "K" and "S".

Ken Swain
Project Lead, Boat Harbour

Encl.

cc.

Twila Gaudet, Kwilmu'kw Maw'klusuaqn Negotiation Office
Beth Lewis, Nova Scotia Office of Aboriginal Affairs
Bridget Tutty, Nova Scotia Environment
Melanie Smith, Canadian Environmental Assessment Agency



NS Lands
nova scotia lands

5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

April 18, 2018

Chief and Council
We'koqma'q First Nation
P O Box 149
150 Reservation Road
Waycobah, NS B0E 3M0

Dear Chief and Council:

**RE: Boat Harbour Remediation Project
Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I am writing to bring to your attention the Boat Harbour Remediation Project.

The purpose of this letter is to initiate consultation on this matter with the Assembly of Nova Scotia Mi'kmaq Chiefs under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference. As you may be aware, the Province of Nova Scotia and Pictou Landing First Nation have been in continued discussions and working together since May 2015 on the remediation of Boat Harbour. We are now at the stage of initiating formal consultation and wish to provide information about:

1. Description of the project;
(Please refer to the attached **Preliminary Project Description Document** and the Executive Summary, extracted below, and Sections 1 to 5.)
2. Regulatory approval requirements;
3. Consultation with the Mi'kmaq of Nova Scotia.

Description of the Project

The Boat Harbour Effluent Treatment Facility (BHETF) was constructed in 1967 and reconfigured several times since its construction. The use of the BHETF for the reception and treatment of effluent from Northern Pulp Mill must cease no later than January 31, 2020, in accordance with the Boat Harbour Act.

Boat Harbour, formerly known as A'se'k in Mi'kmaq, was originally a tidal estuary connected to the Northumberland Strait and is currently a closed effluent stabilization basin, operated by the Kraft Pulp Mill owner under a lease agreement with the Province. Once the effluent treatment operations in Boat Harbour have ceased, the Province will remediate Boat Harbour and lands associated with the BHETF and will restore Boat Harbour to a tidal estuary. As part of the remediation work, the existing causeway along Highway 348 and the existing dam will be removed and replaced with a bridge that will permit boat access to Boat Harbour.

The main components of the BHETF include: the wastewater effluent pipeline (over 3 km in length) that extends from the Kraft Pulp Mill eastward, below the East River of Pictou (East River), to the BHETF property; twin settling basins and an Aeration Stabilization Basin (ASB) west-southwest of Boat Harbour; and the stabilization lagoon (Boat Harbour). Effluent from Boat Harbour discharges through a dam (northeast of Boat Harbour) into an estuary before being released to the Northumberland Strait. Prior to the construction of the twin settling basins and ASB, effluent was routed by open ditch from the pipeline on the east side of Highway 348 to a natural wetland area (Former Ponds 1, 2, and 3) before being discharged into the stabilization lagoon.

The project area for this consultation spans from the effluent pipeline (described above) from the first standpipe on the mill property, through existing and historic BHETF lands, Boat Harbour and its banks, extending to Northumberland Strait. A plan showing the area is provided in Figure 1 in the attached **Preliminary Project Description Document**.

The total site is approximately 546 hectares (ha) of which 141 ha is Boat Harbour. Boat Harbour contains approximately 300,000 m³ of sludge overlying native sediment. The sludge layer is an average of 20 cm thick, with thickness ranging from 10 cm to 1 m. The sludge is impacted with metals, polycyclic aromatic hydrocarbons, and dioxins/furans.

The remedial solution for BHETF may require the following:

- Management of residual mill effluent within the BHETF
- Risk management and/or removal, treatment, and disposal of impacted sediments/sludge and dewatering effluent from former effluent ditch and natural wetlands, twin settling basins, ASB, Boat Harbour, and potentially the estuary
- Remediation of impacted groundwater, soils, and surface water
- Use and closure of the existing waste containment cell, closure of the existing containment cell and construction of a new containment cell on-Site, or transportation and disposal at an approved off-Site facility
- Decommissioning of BHETF infrastructure including the pipeline, causeway, dam, and support facilities
- Restoration of Highway 348 including construction of a bridge in the location of the existing causeway

Please refer to the attached **Preliminary Project Description Document** for further details.

Regulatory Approval Requirements

It is anticipated that the following provincial permits, authorizations and/or approvals may be required for this project to proceed:

- The undertaking is expected to require either a Nova Scotia Class 1 Environmental Assessment or a Nova Scotia Class 2 Environmental Assessment and other associated approvals. The Minister of Environment's decision has not yet been communicated.
- The Preliminary Project Description has been provided to the Canadian Environmental Assessment Agency and their decision on a federal environmental assessment has not yet been communicated. Section 4.3 of the attached **Preliminary Project Description Document** outlines a number of issues relative to Federal Permits. As well, approvals from Indigenous Services Canada and other federal regulators will be required.

The proponent has ongoing discussions with the following regulatory and advisory departments relative to any, and all, permits and approvals required for the Project.

- Nova Scotia Office of Aboriginal Affairs
- Indigenous Services Canada
- Fisheries and Oceans Canada
- Canadian Environmental Assessment Agency
- Environment Canada
- Transport Canada
- Health Canada
- Nova Scotia Environment
- Nova Scotia Transportation and Infrastructure Renewal
- Nova Scotia Department of Natural Resources

Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Lands Inc. (NS Lands) will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal as listed above) that will be involved. Note that the coordination role of aboriginal consultation is subject to change as the approval process evolves, in which case the Mi'kmaq will be kept informed.

Section 6 of the attached **Preliminary Project Description Document** outlines, to-date and planned, Proponent Engagement and Consultation with Aboriginal Groups.

Please advise us whether or not you are interested in consultation on this matter. Should you be interested, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. A meeting has been scheduled with the Chief and Council of Pictou Landing First Nation on April 19th, 2018 to discuss project options. Given the timing of this meeting and this correspondence, we would like to propose making the meeting the first consultation meeting for this project. We request a response outlining the concerns and interests of the Assembly of Nova Scotia Mi'kmaq Chiefs with this project by May 17, 2018.

Please note that Sipekne'katik First Nation and Millbrook First Nation have been informed about this project.

Sincerely,



Ken Swain
Project Lead, Boat Harbour

Encl.

cc.

Twila Gaudet, Kwilmu'kw Maw'klusuaqn Negotiation Office
Beth Lewis, Nova Scotia Office of Aboriginal Affairs
Bridget Tutty, Nova Scotia Environment
Melanie Smith, Canadian Environmental Assessment Agency

Summary of the Remedial Options Decision Document

- **Boat Harbour Remedial Options Decision presentation, Dated April 19, 2018, presented by Christine Skirth, Project Manager and Peter Oram, Environmental Manager**



Boat Harbour Remedial Options Decision

Christine Skirth | Project Manager
Peter Oram | Environmental Manager

April 19, 2018



Agenda

1. **Development and Evaluation Process**
2. Evaluation Criteria and Weighting Matrix
3. Remedial Components
4. Feasible Concepts and Evaluation



The Goal of the Project is to support the Province in developing a remedial solution to return Boat Harbour to tidal conditions and reconnect the community to A'se'k

Project Goals



The remedial solution must be:

- Founded on proven technologies
- Protective of human health and the environment
- Meet established timelines and milestones
- Provide the best value to the Province



Remedial Options Decision Process

Approach:

- Design Requirements
- Evaluation Criteria & Weighting Matrix
- Develop and Evaluate Remedial Options
- Bench Scale Testing
- Identify Qualified Remedial Options
- Pilot Scale Testing
- Remedial Action Plan

Collaborative |

***Workshops, BHEAC, BHCC,
Consultation with Regulators***

Open, Transparent, Traceable |

***Detailed and Accepted
Documentation***



Design Requirements



Objectives:

- To identify and define the functional, non-functional, and operational requirements forming the basis of the BHRD
- To gain consensus on the criteria to be used to measure or evaluate whether design requirements (DR) have been met

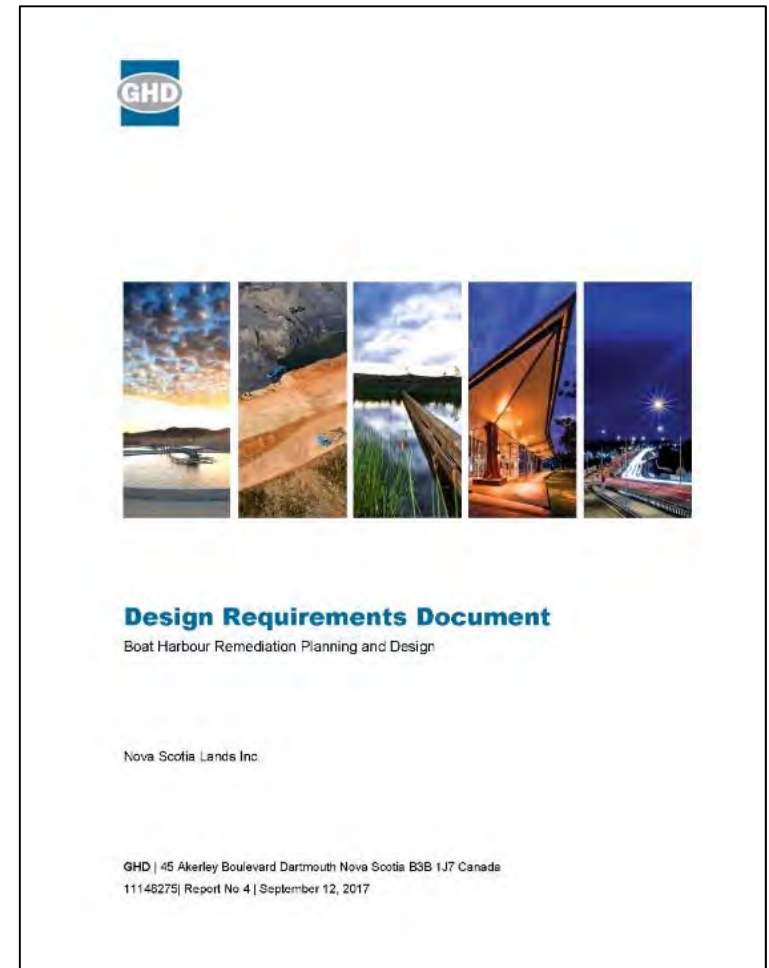
Inputs: Codes, regulations, standards, expert judgement, best practice



Design Requirements

Outputs:

- DR for:
 - Bridge
 - Infrastructure Decommissioning
 - Waste Management
 - Wetland Restoration
 - Remediation methodology and Approach
- Other key considerations:
 - Return to tidal
 - End Use
 - Provision of Benefits



Evaluation Criteria & Weighting Matrix



Objectives:

- To identify and define the **Evaluation Criteria**, which may include both qualitative and quantitative components for the various design requirements (DR)
- To gain consensus on the **Weighting Matrix**, which will be used to confirm established project priorities during the evaluation of Feasible Concepts



Evaluation Criteria & Weighting Matrix

Outputs:

- Mandatory Requirements | Pass/Fail
- Regulatory Weighting | 14 %
- Technical Weighting | 26 %
- Environmental Weighting | 24 %
- Social Weighting | 14 %
- Economic Weighting | 22 %

Regulatory 6 Q
Technical 24 Q
Environmental 5 Q
Social 5 Q
Economic 2 Q



Evaluation Form

Evaluation Criteria & Weighting Matrix Summary

EVALUATION CRITERIA AND WEIGHTING MATRIX		DRAFT			
Boat Harbour Remediation Design (BHRD)		1	2	3	4
Pre-screening Requirements					
1. Feasibility	2. Safety	3. Environmental	4. Regulatory	5. Technical	6. Economic
Regulatory Indicators					
Technical Indicators					
Environmental Indicators					
Operational Indicators					
Weighted Composite Score					

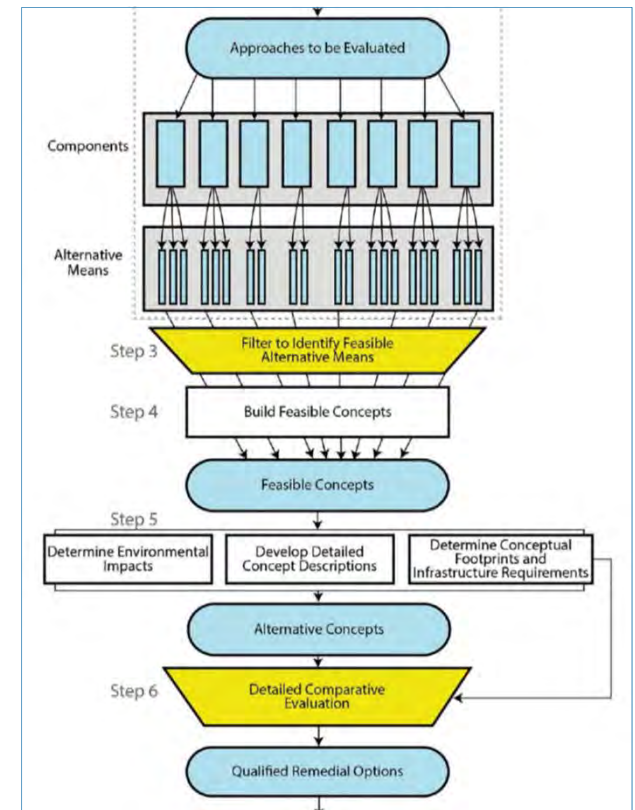
DRAFT EVALUATION CRITERIA AND WEIGHTING MATRIX Boat Harbour Remediation Design (BHRD)	FEASIBLE CONCEPT (FC)			Scoring				
	1	2	3	1.0	2.0	3.0	4.0	5.0
Pre-screening Requirements								
1. Are there any components of the FC that are clearly unacceptable to the public?				Yes	...		Yes	
2. What is the relative availability of the FC with site access?				Yes	...		Yes	
3. What is the relative availability of the FC with site hydroponics?				Yes	...		Yes	
4. What is the relative availability of the FC with site access?				Yes	...		Yes	
5. What is the relative availability of the FC with site hydroponics?				Yes	...		Yes	
6. What is the relative availability of the FC with site access?				Yes	...		Yes	
Regulatory Indicators								
Ability to Protect Health and Safety of Public								
1. What is the relative risk level to public health and safety posed by the FC?				High risk to public health and safety	...		High risk to public health and safety	
2. To what extent can the potential risks be mitigated as part of the FC?				High risk to public health and safety	...		High risk to public health and safety	
Ability to Protect Health and Safety of Workers								
1. What is the relative risk level to worker health and safety posed by the FC?				High risk to worker health and safety	...		High risk to worker health and safety	
2. To what extent can the potential risks be mitigated as part of the FC?				High risk to worker health and safety	...		High risk to worker health and safety	
Rate of Resource Expenditure								
1. Does the FC go beyond the minimum requirements for "Feasible/Practical" appropriateness?				Exceeds minimum requirements	...		Exceeds minimum requirements	
2. What is the relative public acceptability of the FC?				High public acceptability	...		High public acceptability	
Technical Indicators								
Technical Feasibility								
1. What is the relative accessibility "back access" for implementing the FC?				High accessibility	...		High accessibility	
2. What is the relative availability of the source materials?				High availability	...		High availability	
3. What is the relative availability of subcontractors for the FC?				High availability	...		High availability	
Compatibility with Current Site Features								
1. What is the relative compatibility of the FC with site access and hydroponics?				High compatibility	...		High compatibility	
2. What is the relative compatibility of the FC with site hydroponics?				High compatibility	...		High compatibility	
3. What is the relative compatibility of the FC with site access?				High compatibility	...		High compatibility	
4. What is the relative compatibility of the FC with site hydroponics?				High compatibility	...		High compatibility	
Compatibility with Existing Utility Features								
1. What is the relative compatibility of the FC with existing natural and infrastructure surrounding the site (e.g., joints of access, roads, hydroponics)?				High compatibility	...		High compatibility	
2. Does the FC cause significant changes to utility conditions (e.g., access)?				High compatibility	...		High compatibility	
3. Does the FC require significant or significant changes to the existing utility infrastructure (e.g., upgrades to roads, power supply, municipal infrastructure)?				High compatibility	...		High compatibility	



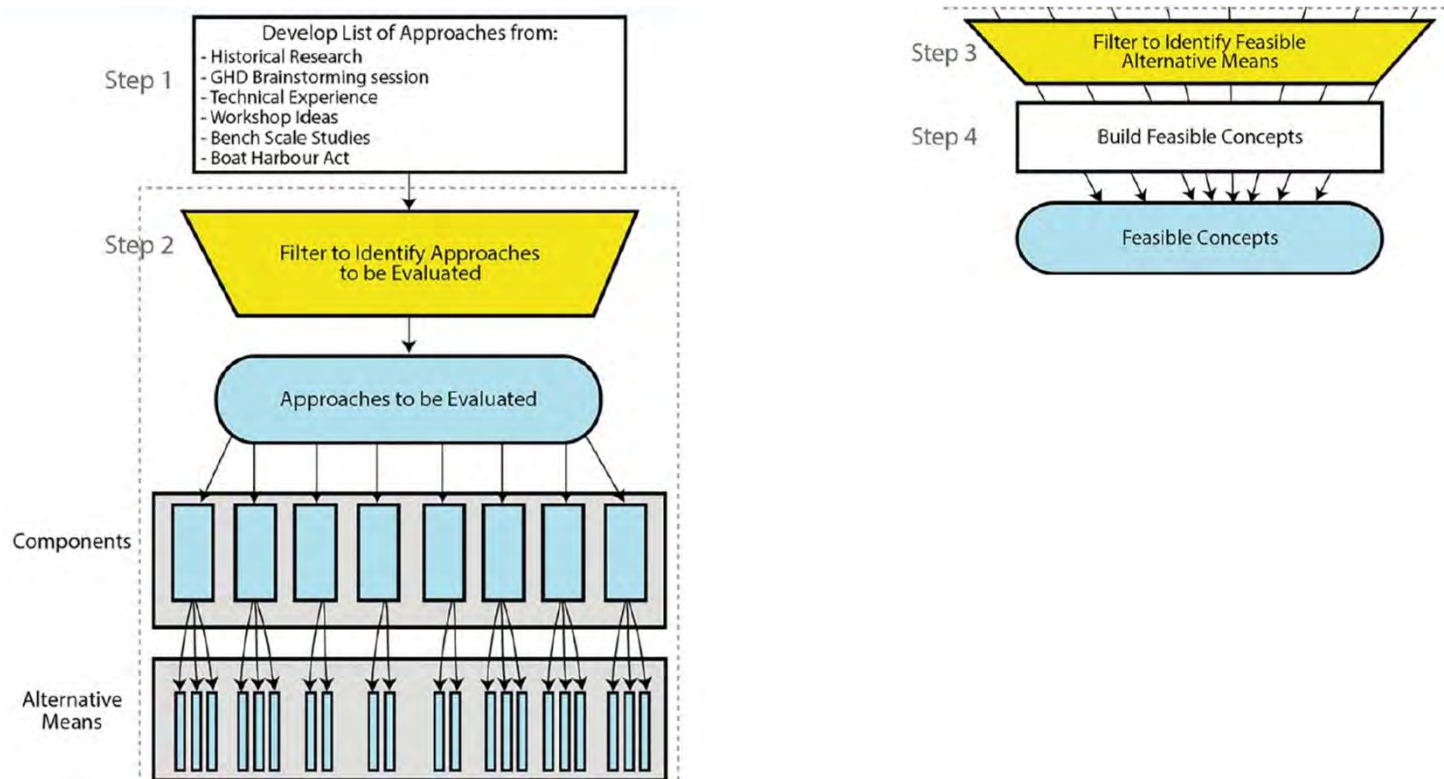
Remedial Options Assessment

Remedial Options Assessment:

- Process for considering remedial options, and identifying a recommended Remedial Option to carry forward
- GHD's approach is based on identifying and evaluating various remedial options, refining down to "Feasible Concepts", then to "Alternative Concepts" to be considered as cost effective, viable remedial solutions



ROD Process Overview (Steps 1 to 4)



RODD Process Overview

Steps 1 to 4 Completed Fall 2017

Inputs:

- Design Requirements (codes, standards, regulatory requirements)
- Historical data, Phase 1 ESA findings, early Phase 2 ESA data
- Data from universities
- SMEs, collaborative workshops, best practice

Outputs:

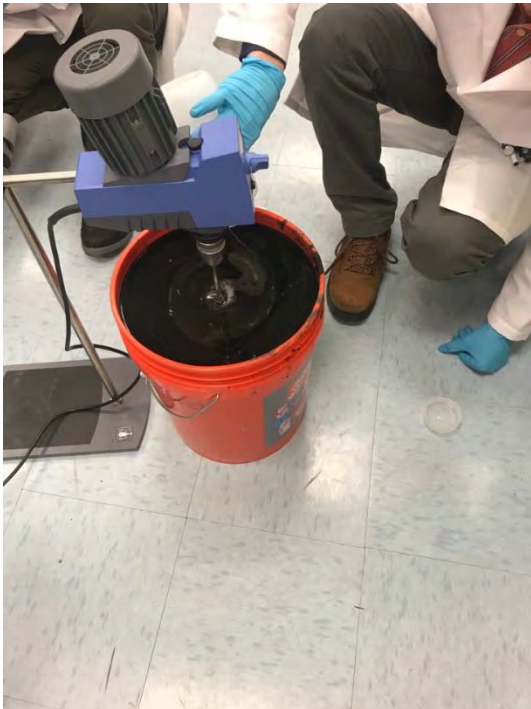
- Feasible Concepts



Treatability Study | Innovative Technology Group



Removal in the Wet | Geotube Testing

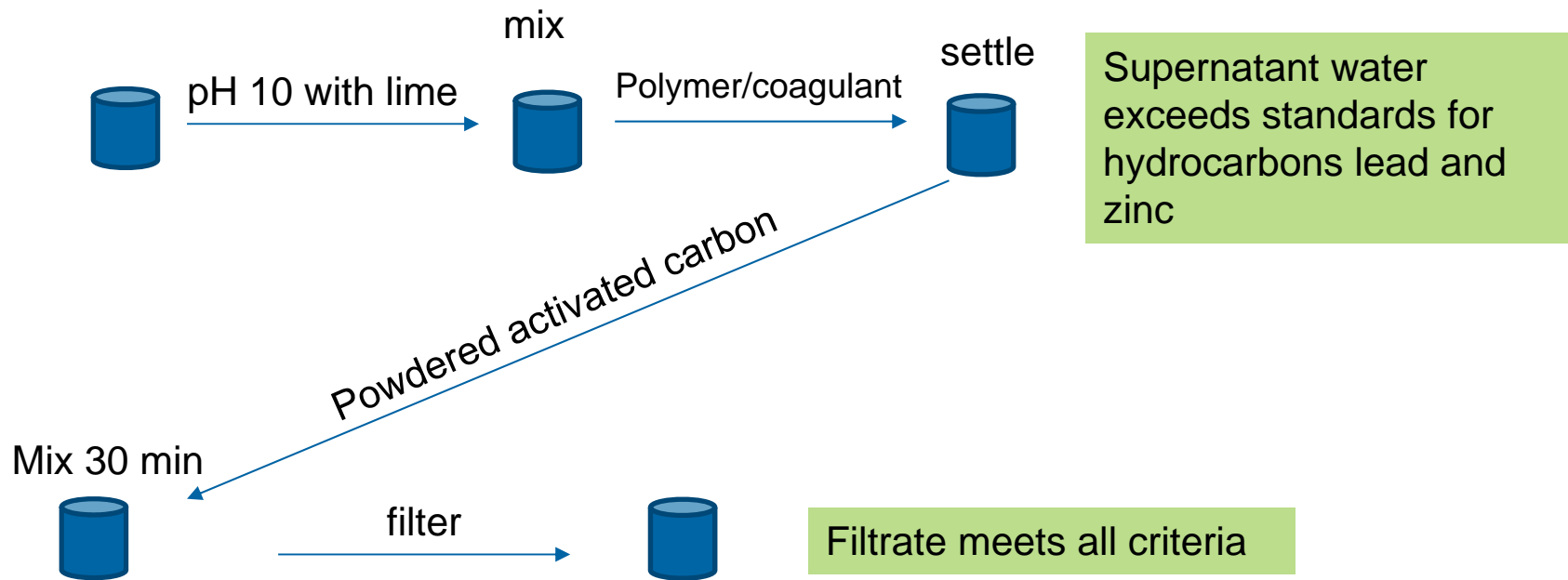


Removal in the Dry | Geotube Dewatering

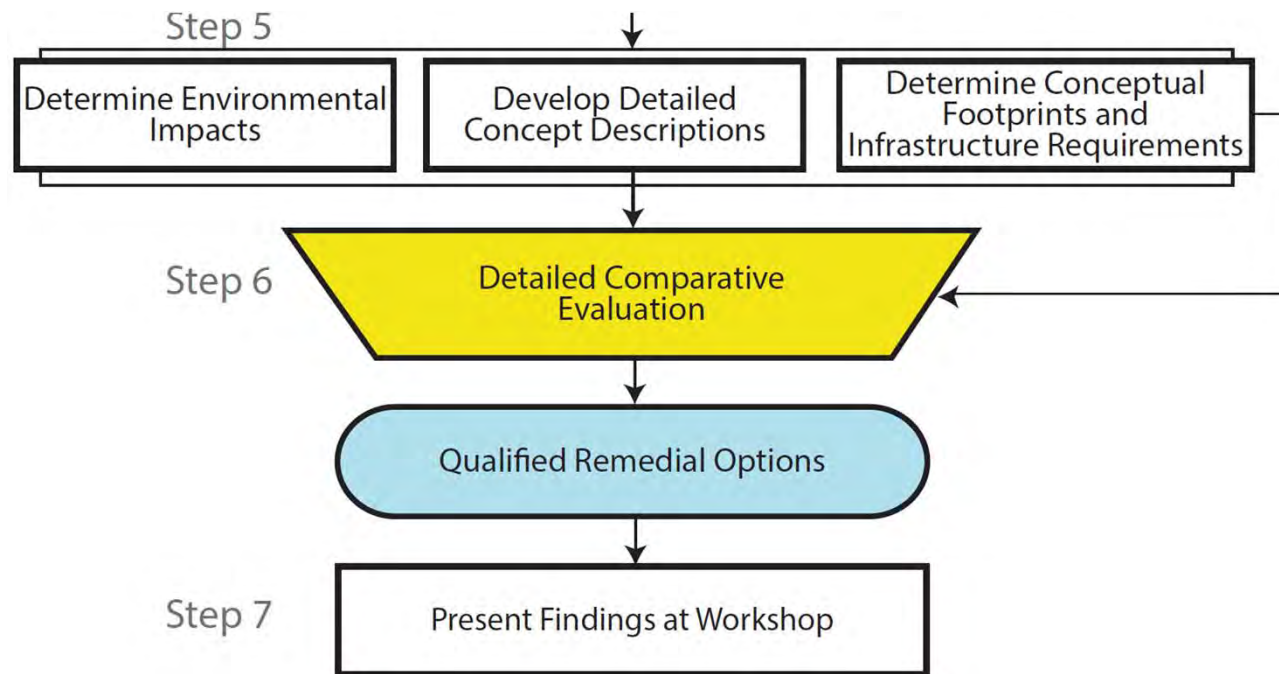
- Sediment/polymer mixture was dewatered using geotube fabric
- Dewatered samples passed paint filter
- Stabilization testing was performed, however, was not required to meet landfill disposal criteria



Removal in the Dry | Bulk Water Treatment



ROD Process Overview (Steps 5-7)



Remedial Options Decision Document

Purpose:

- Present Approach and Methodology
- Present Detailed Concept Descriptions
- Review and Discuss Evaluation

Collaborative
Open
Transparent
Traceable



Bridge | Feasible Concepts

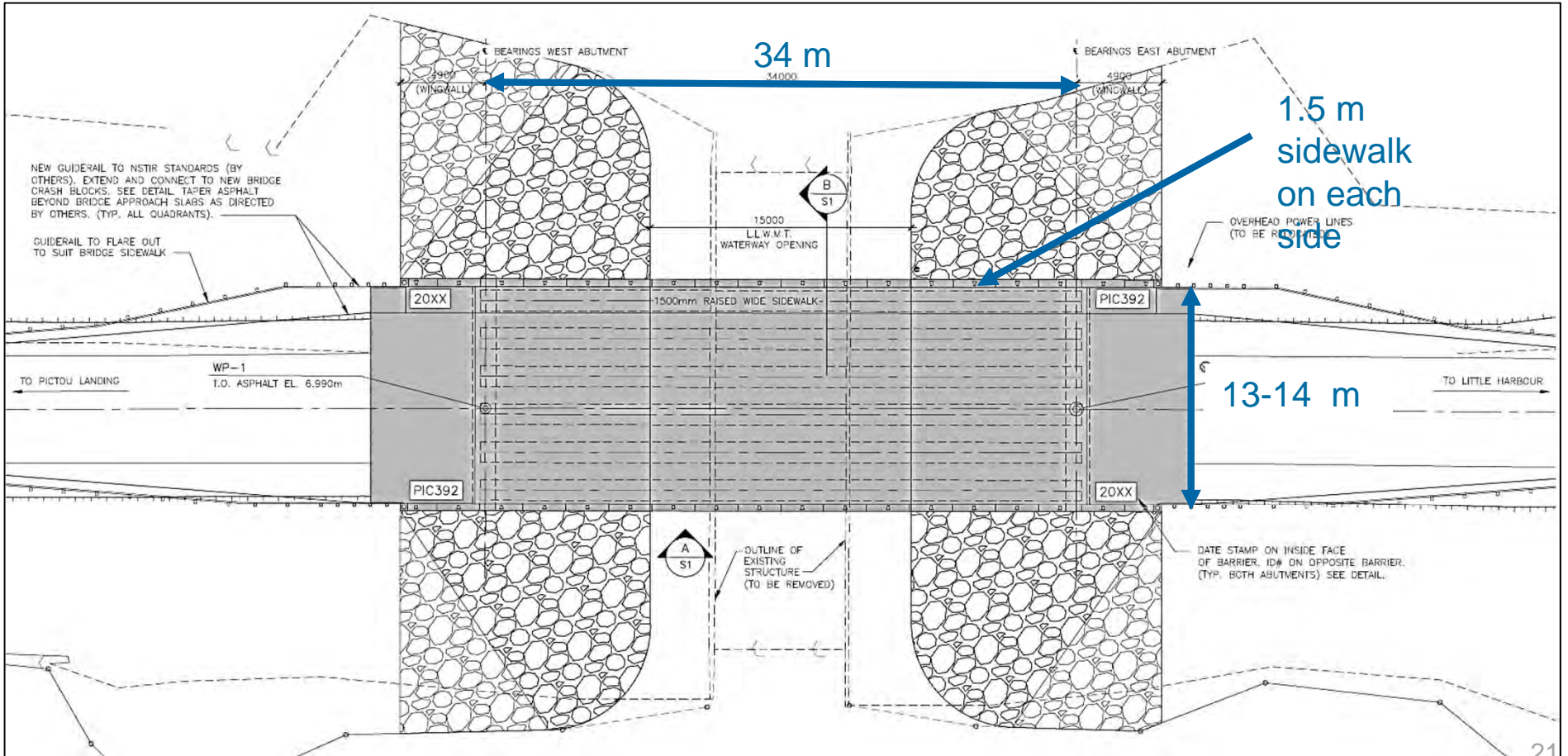
FC1 – Concrete Girder Bridge



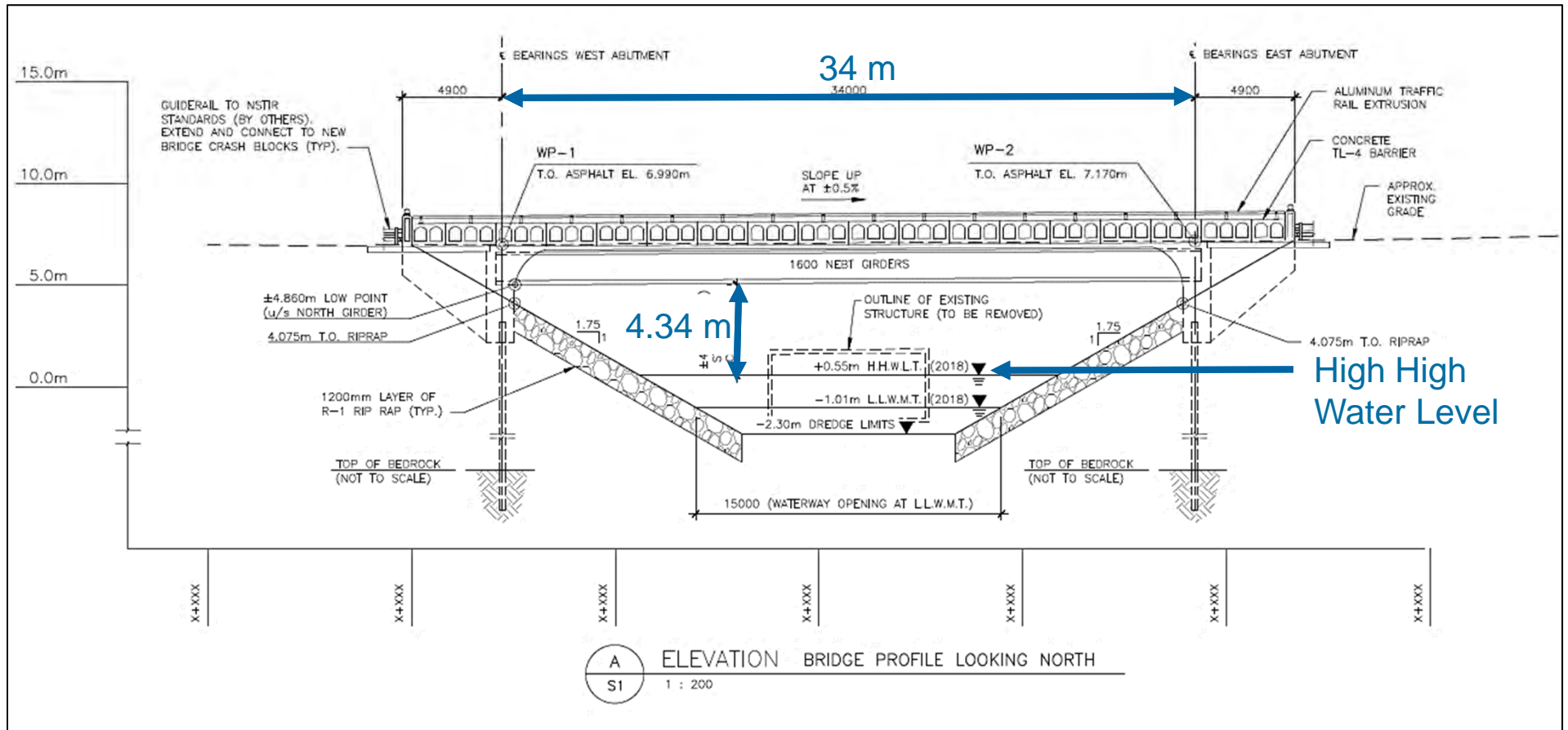
FC2 – Steel Girder Bridge



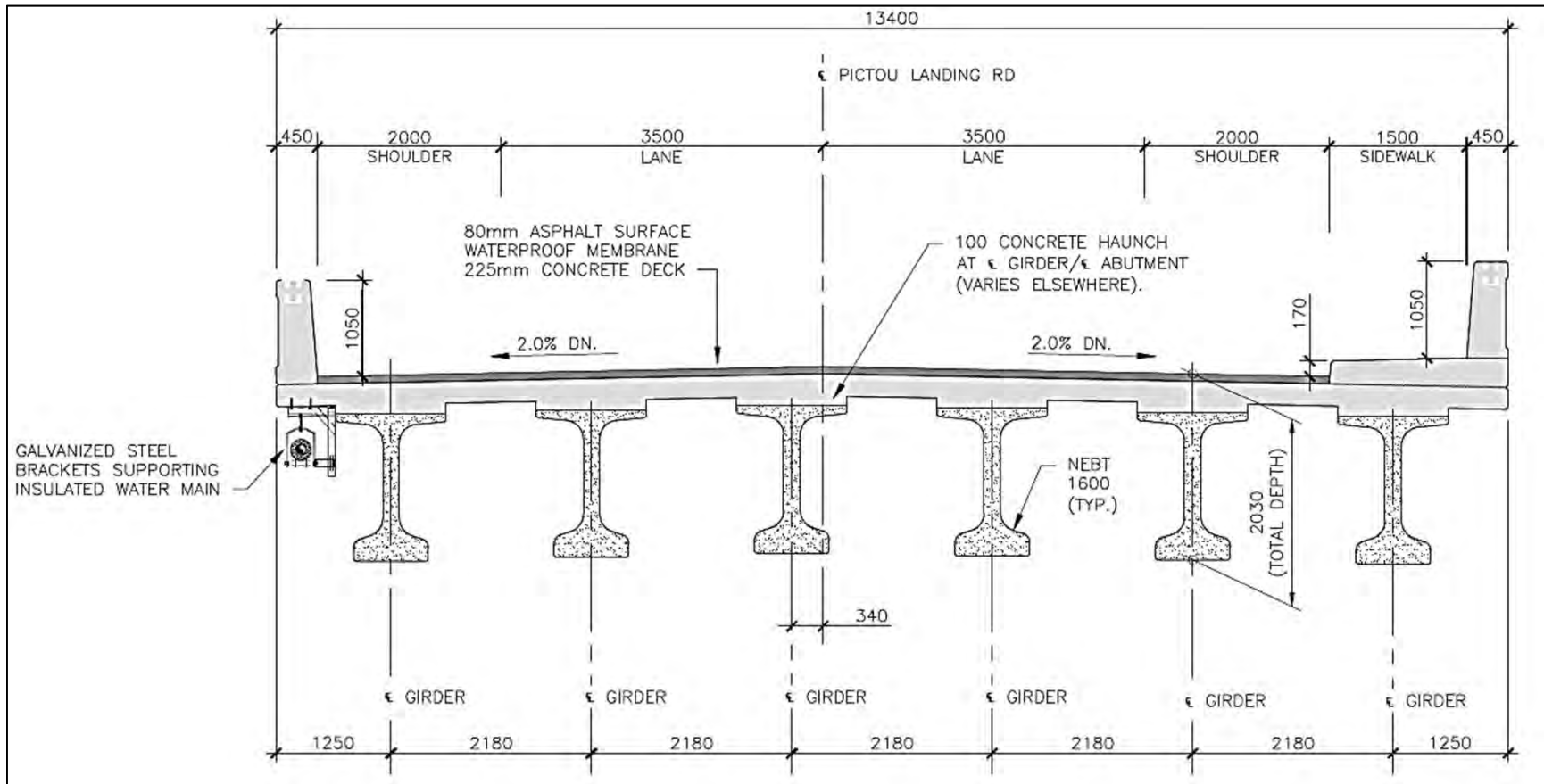
Bridge Plan | FC1 & FC2



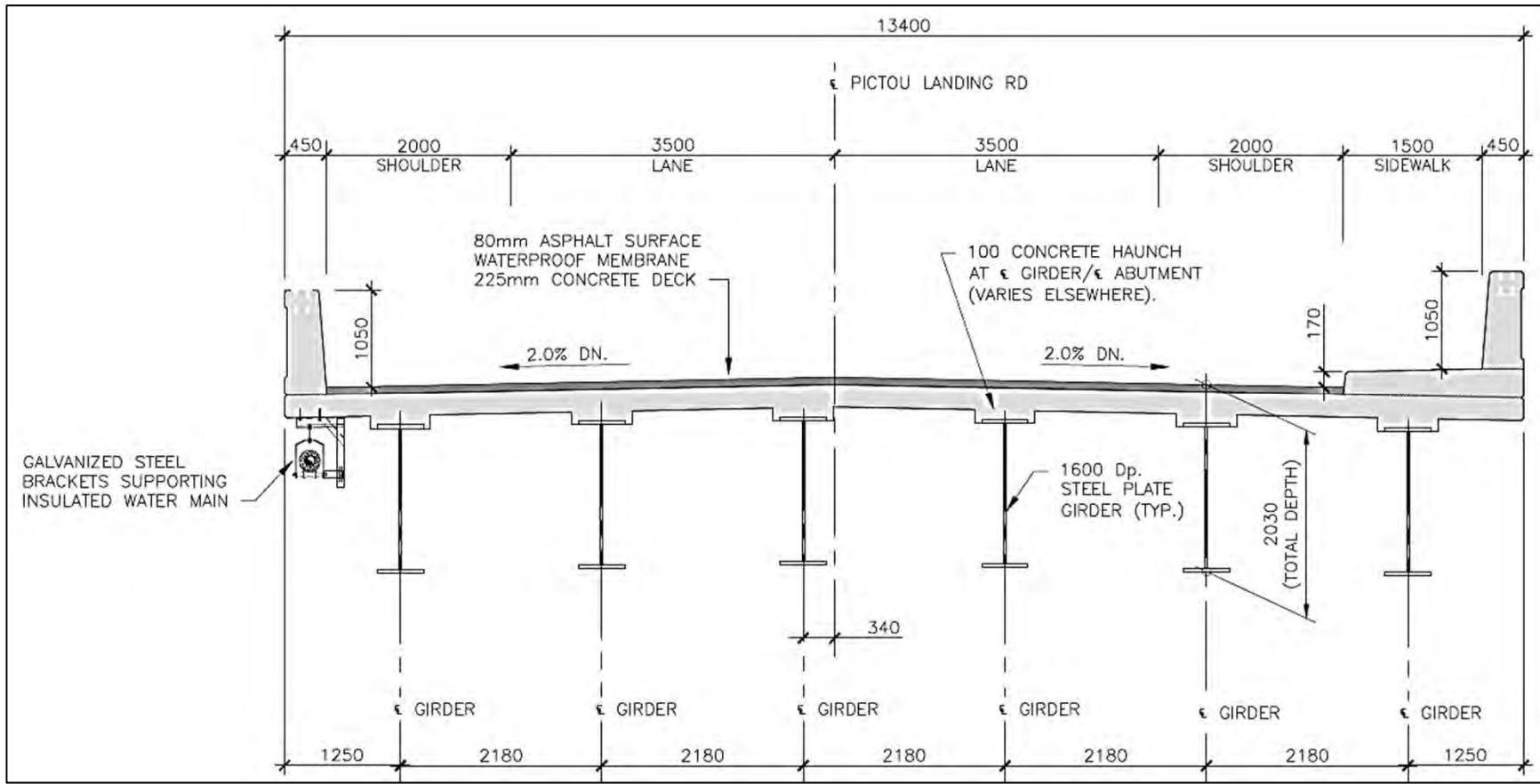
Bridge Cross Section | FC1 & FC2



Bridge | FC1 Concrete Girder



Bridge | FC2 Steel Girder



Bridge | Evaluation of FCs

Summary of Matrix Scores			
Criteria Category	Weighting Factor	FC1 (Concrete Girder)	FC2 (Steel Girder)
Regulatory	14%	463	463
Technical	26%	400	397
Environmental	24%	474	474
Social	14%	463	463
Economic	22%	500	250
Total Comparative Score		2299	2047
Total Weighted Score		457	402
Rank		1	2

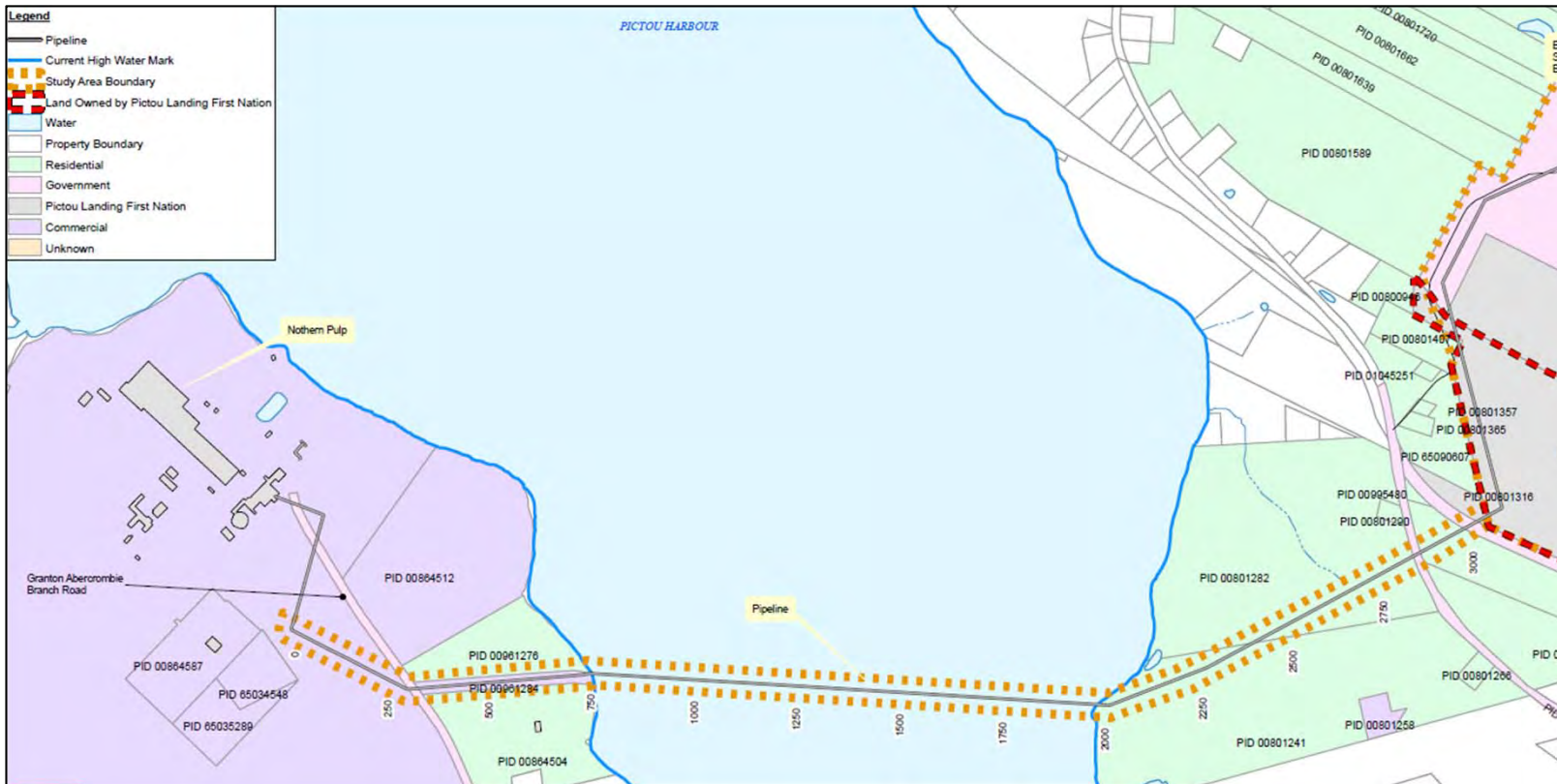


Infrastructure Decommissioning

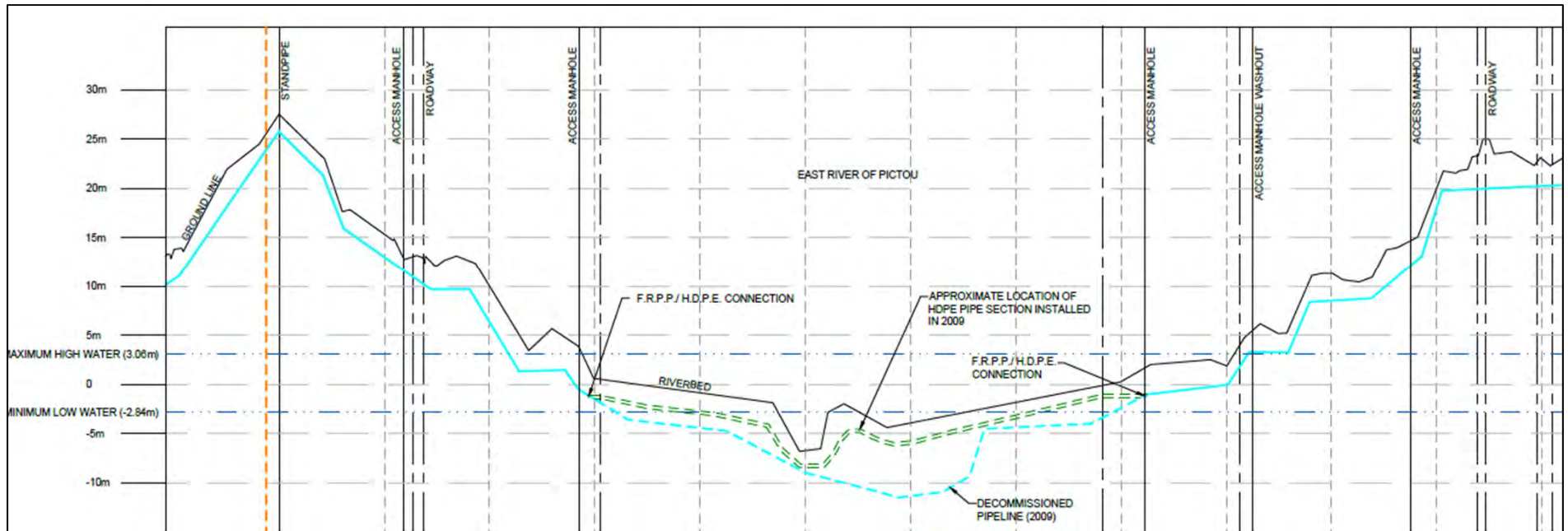
- Pipeline (on land/in water)
- Treatment Buildings
- Dam



Pipeline | Background



Pipeline | Background



— 0.95m ID FRP Pipe

— 1.1m ID HDPE Pipe

Pipeline | Feasible Concepts

FC1 – Abandon

Clean, inspect and abandon

Except beneath Highway 348 to be done in accordance with FC 2 or 3



FC2 – Fill

Clean, inspect, fill and abandon



FC3 – Remove

Land portion only

Clean and remove

Consideration for archeological monitoring near PLFN burial ground



Pipeline Evaluation of FCs

Summary of Matrix Scores				
Criteria Category	Weighting Factor	FC1 (Abandon)	FC2 (Fill)	FC3 (Remove)
Regulatory	14%	375	425	413
Technical	26%	479	435	384
Environmental	24%	500	485	446
Social	14%	306	300	300
Economic	22%	450	300	300
Total Comparative Score		2110	1945	1843
Total Weighted Score		439	397	373
Rank		1	2	3



Treatment Buildings | Background

Total of 10 Treatment Buildings

- Press Building
- Mobile Building Adjacent to Press Building
- Storage Shed
- Air Monitoring Shelter
- Electrical Building
- Mobile Building belonging to CTS Electrical
- Silo
- Electrical Building for Silo
- Point A Building
- Point C Buildings



Treatment Buildings | Background



Treatment Buildings| Background



Permanent Buildings and Sheds



Mobile Buildings



Silo



Treatment Buildings | Feasible Concepts

FC1 – Demolish

Decommissioning and demolishing each building/structure and transporting waste materials for disposal or recycling



FC2 – Repurpose (No End Use Identified)

Potentially repurposing a building consistent with overall Site end use objectives



Dam | Background

- 4.5m high weir structure including tidal gates
- Flat concrete slab structure with retaining walls at both ends
- Weir/stop log arrangement
- Concrete cut off wall upstream
- Overhead power lines



Dam | Feasible Concept

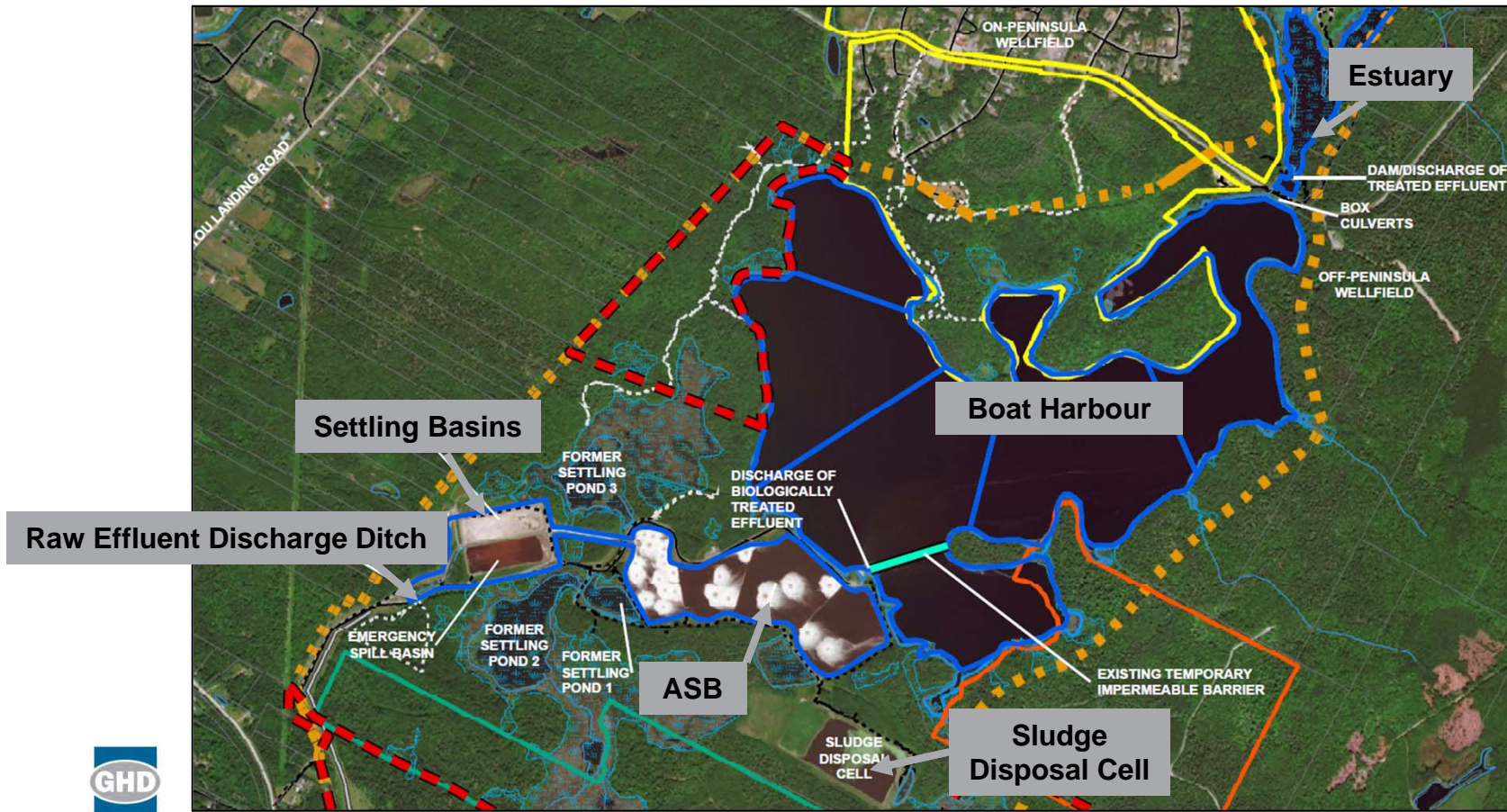
FC1 – Demolish

Decommission and demolish to return Boat Harbour back to natural tidal conditions

As there was only one Feasible Concept that was fully developed, the evaluation and weighting matrix was not applied.



Sediment Management | Background



Sediment Management | Background

Area	In-Place Volume (m3)	Dewatering	Stabilization
		Final Disposal Volume (m3)	Final Disposal Volume (m3)
Raw Effluent Discharge Ditches	1,000	500	1,100
Twin Settling Basins	25,000	12,500	26,800
Aeration Stabilization Basin	129,000	58,100	138,100
Boat Harbour Stabilization Lagoon	577,000	173,100	617,400
Existing Disposal Cell	180,000	116,000	116,000
Estuary	49,000	25,500	52,500
Wetland Areas	263,000	132,000	281,500
Total	1,244,000	517,700	1,233,400



Sediment Management | Feasible Concepts

FC1 – Removal in the Wet with Geotube or Stabilization



FC2 – Removal in the Dry with Geotube or Stabilization



Sediment Management | Feasible Concepts



Sediment Management | FC 3 - Natural Attenuation (Estuary Only)

- Natural Attenuation Processes
- Ecological Risk Assessment
- Human Health Risk Assessment
- Risk Management
- Active Remediation

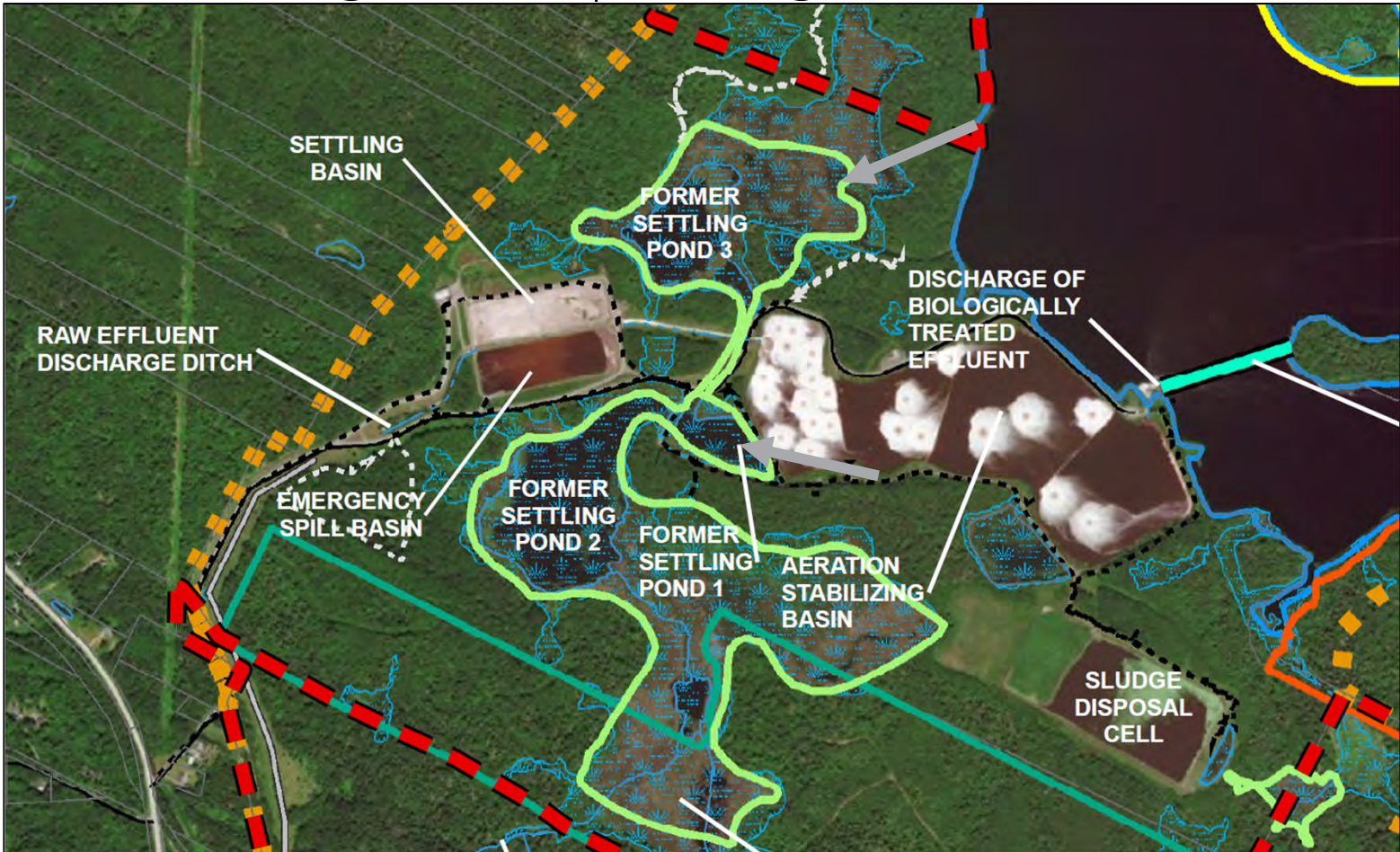


Sediment Management | Evaluation of FCs

Criteria Category	Weighting Factor	FC1A	FC1B	FC2A	FC2B
Regulatory	14%	363	350	375	363
Technical	26%	462	402	380	339
Environmental	24%	473	471	455	453
Social	14%	400	400	394	394
Economic	22%	500	350	350	300
Total Comparative Score		2197	1974	1953	1848
Total Weighted Score		450	400	392	369
Rank		1	2	3	4



Wetland Management | Background



Wetland Management | Background

- Sludge impacted with metals, TPH, PAH, PCB, D&F, and VOC
- Surface water quality generally below applicable screening guidelines or similar to background conditions
- Impacted area is ~38 ha with 260,000 m³ of sludge and root mass



Wetland Management | Selected FCs

FC1 – Natural Attenuation



FC2 – Ex-Situ Remediation



Wetland Management | FC1 Natural Attenuation

- Natural Attenuation Processes
- Ecological Risk Assessment
- Human Health Risk Assessment
- Wetland Area Functions and Values
- Risk Management
- Active Remediation



Wetland Management | FC2 Ex-Situ Remediation

- Dewater wetlands and remove impacted sediments through excavation using earthmoving equipment
- Pump or haul sludge/sediment to sludge management area
- Restoration includes planting or seeding of native aquatic and terrestrial through use of vegetation
- Careful consideration to not negatively impact wildlife (e.g., animal rescue, water management, limiting remediation to late summer/early winter period)



Wetland Management | Evaluation of FCs

Summary of Matrix Scores			
Criteria Category	Weighting Factor	FC1 (Natural Att.)	FC2 (Ex-Situ Rem.)
Regulatory	14%	400	388
Technical	26%	440	449
Environmental	24%	405	330
Social	14%	200	394
Economic	22%	300	300
Total Comparative Score		1745	1860
Total Weighted Score		362	371
Rank		2	1



Waste Management | Background

Remediation will generate the following waste streams:

- Sludge waste
- Construction and Demolition (C&D)
- Industrial waste

Waste Type	In Place Volume (m ³)	Final Disposal Volume (m ³)
Sludge/Sediment	1,224,000	517,700
C&D Debris	N/A	1,100



Waste Management | Selected FCs

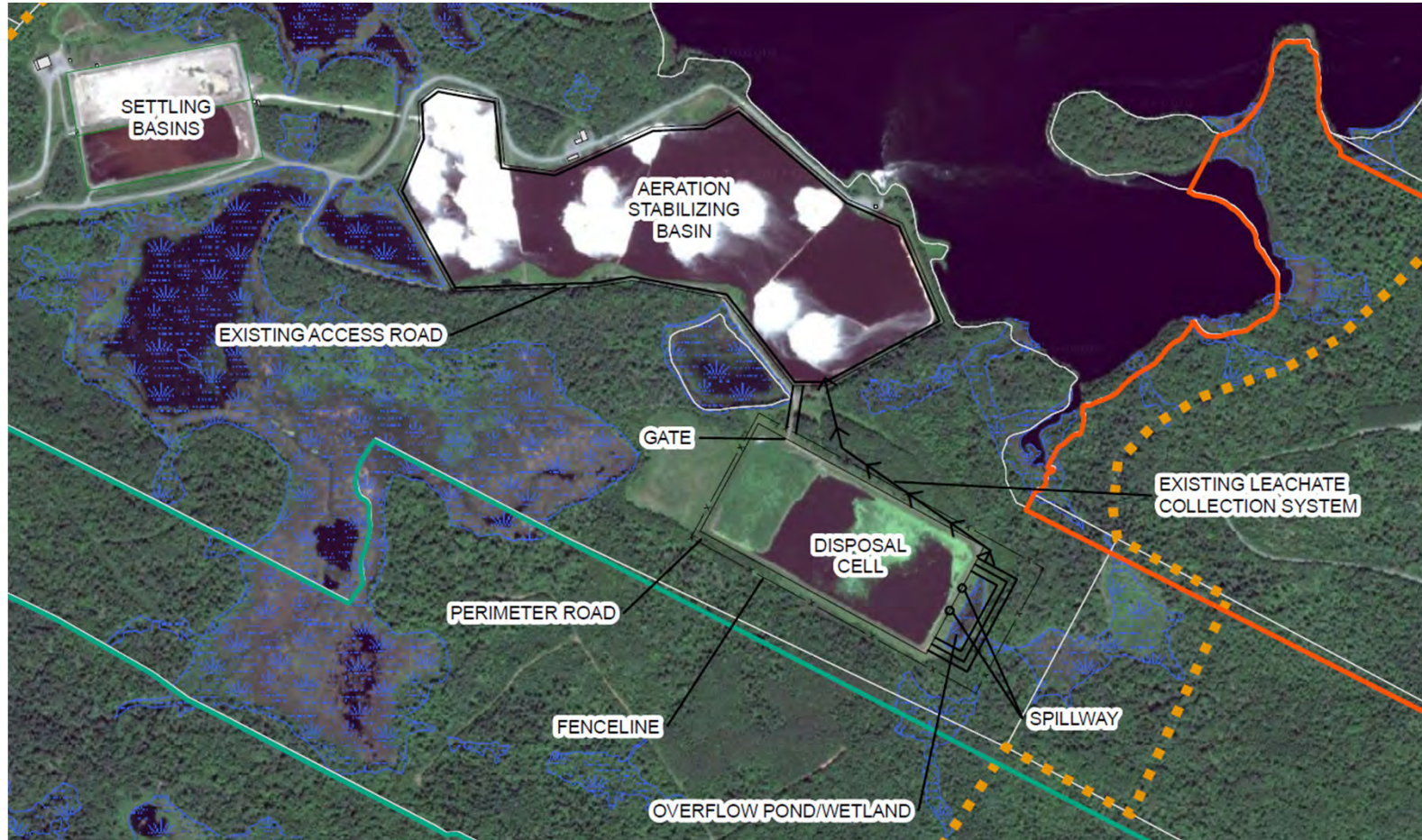
FC1 – Onsite Disposal



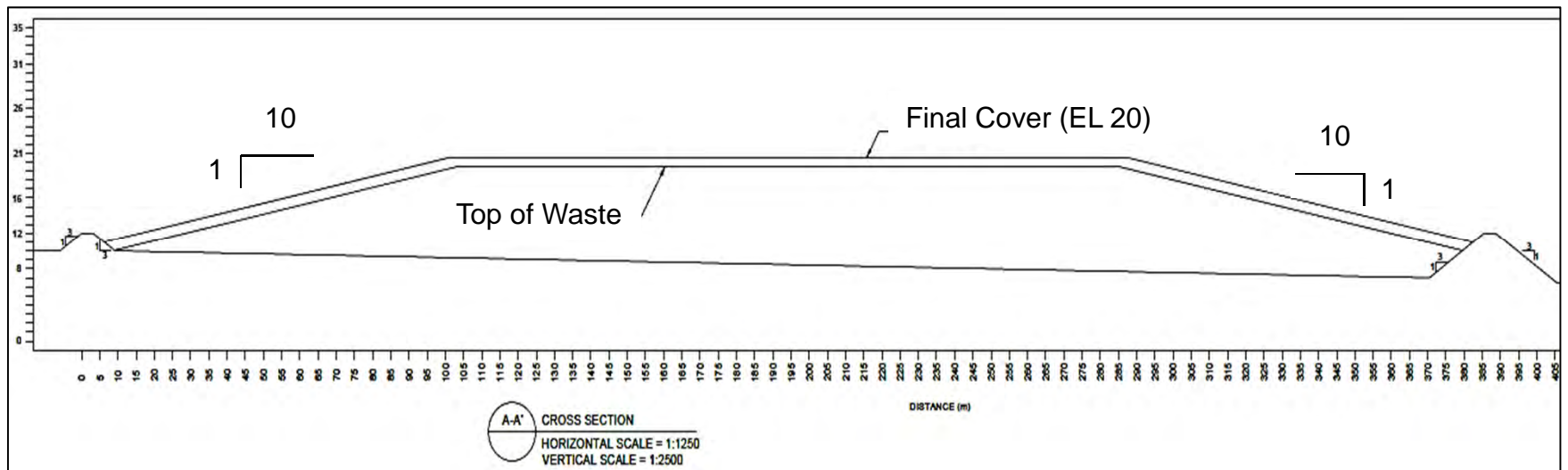
FC2 – Offsite Disposal



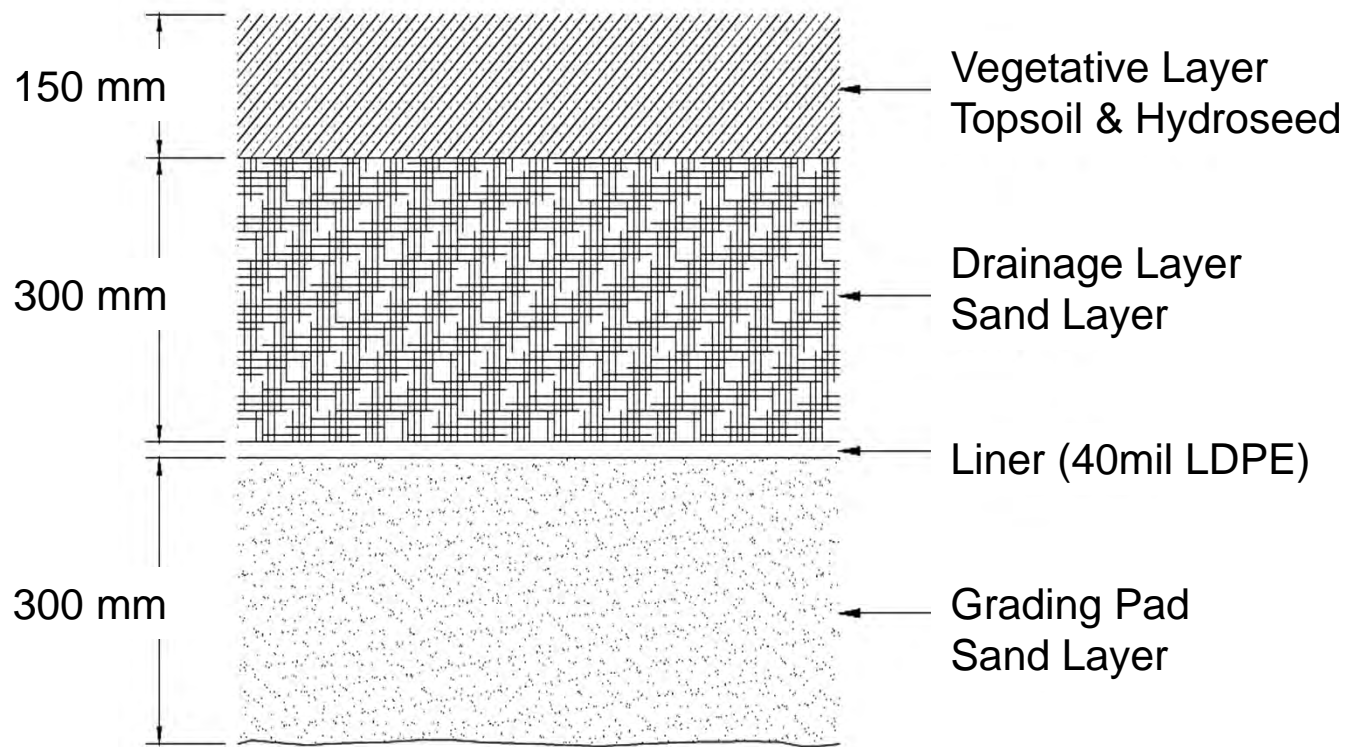
Waste Management | Existing Cell



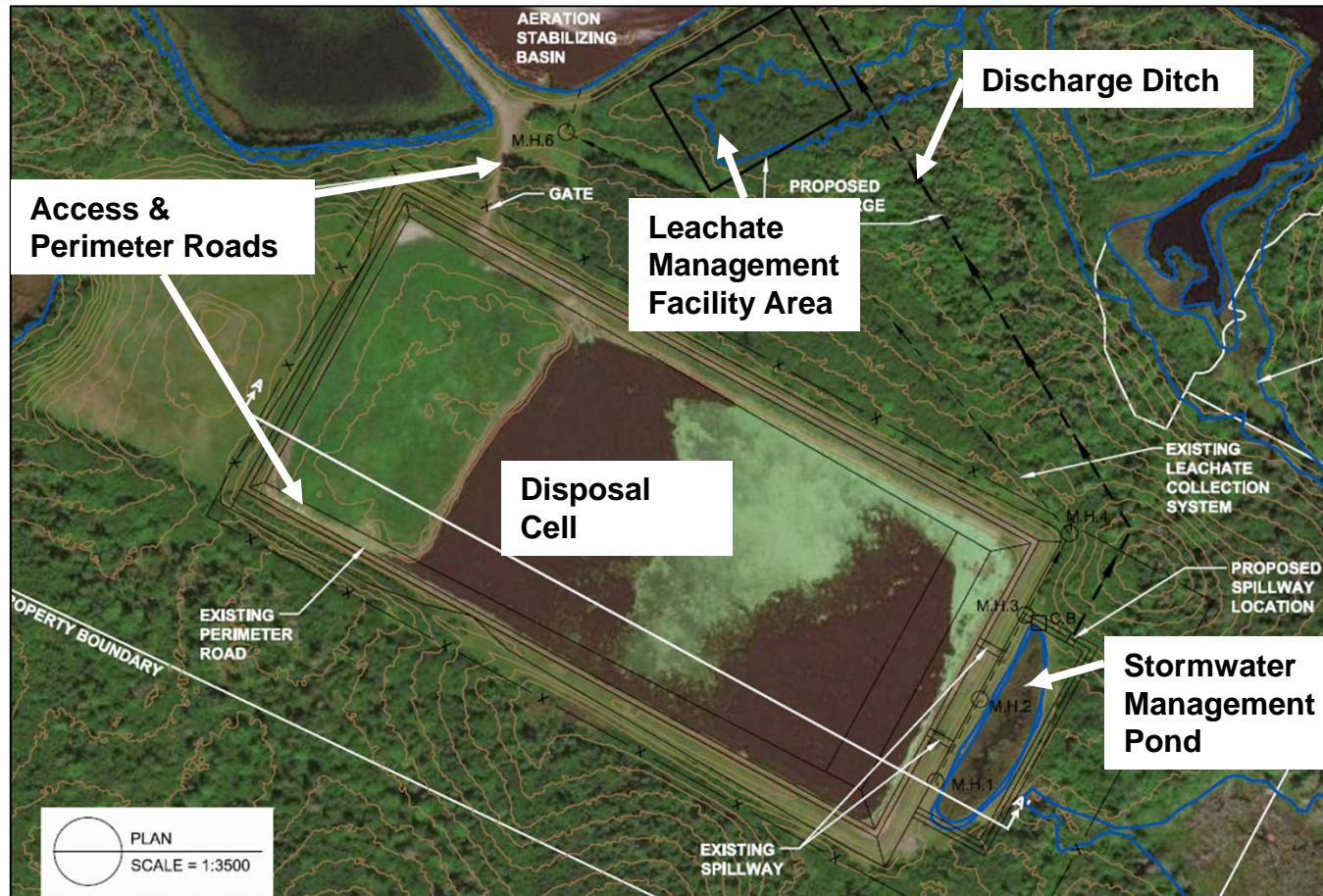
Waste Management | FC 1 Onsite Disposal



Waste Management | FC 1 Onsite Disposal



Waste Management | FC 1 Onsite Disposal



Waste Management | FC 2 Offsite Disposal



Waste Management | FC 2 Offsite Disposal

- Bench scale testing shows compliance with Landfill Disposal Guidelines leachate criteria
- **Dioxins and furans off-site acceptance criteria not defined**
- Approximately 17,500 loads required to transport treated sludge
- C&D debris can be transported to licensed disposal site located near the Site



Waste Management | Evaluation of FCs

Summary of Matrix Scores			
Criteria Category	Weighting Factor	FC1 (Onsite Disp.)	FC2 (Offsite Disp.)
Regulatory	14%	388	300
Technical	26%	451	425
Environmental	24%	455	472
Social	14%	456	306
Economic	22%	300	300
Total Comparative Score		2050	1803
Total Weighted Score		411	375
Rank		1	2





www.ghd.com

PLFN's Position on the Remedial Options

- Letter from McKiggan Hebert Lawyer to Beth Lewis, Office of Aboriginal Affairs, Dated 2018, File No. 8364-028
Re: Boat Harbour Remediation - Consultation
- Letter from NS Lands to Chief Andrea Paul, Pictou Landing First Nation, Dated August 23, 2018
Re: Consultation with Pictou Landing First Nation on the Boat Harbour Remediation Project

McKiggan Hebert

L A W Y E R S

2018

File No. 8364-028

Beth Lewis
Office of Aboriginal Affairs

Dear Ms. Lewis,

Re: Boat Harbour Remediation – Consultation

Pictou Landing First Nation welcomes the opportunity to formally comment on the *Design Requirements Document for the Boat Harbour Remediation Planning and Design* (“*Design Requirements Document*”) prepared by GHD for Nova Scotia Lands Inc. and dated September 12, 2017. The *Design Requirements Document* was introduced at the first formal consultation meeting held in respect of the Boat Harbour Remediation Project on April 19, 2018 and the document itself was provided the following day on April 20, 2018.

These comments are preliminary comments as there will be further discussion of the document with Pictou Landing First Nation consultants over the next month or so. However, the position of Pictou Landing First Nation is sufficiently clear on certain aspects of the approach outlined in the *Design Requirements Document* as to be helpful at this stage as the Province considers the broader outline of the project.

Containment Cell

The *Design Requirements Document* (section 4.4.1) identifies the existing containment cell as the most likely location for depositing the sediment and other material removed from Boat Harbour and surrounding lands during the remediation process. In part, this is due to the absence of another facility within a reasonable distance from Boat Harbour and the length of time it would take to bring a new facility on-line.

Chief and Council are strongly opposed to any contamination being left at or near Boat Harbour. They are prepared to wait on the approval of another containment facility rather than proceed with a long term containment cell at Boat Harbour. Part of it is a desire to remove all vestiges of past environmental insults – they feel that their community has shouldered the environmental burden of this misadventure for long enough. Part of it is also the peace of mind that would come from not having to worry about deficiencies in the design and monitoring of the containment cell and related infrastructure. While someone in the community might benefit from work associated with monitoring the containment cell, this could just as easily be accomplished if a new containment cell was approved within commuting distance of the community.

The other aspect of this is that as far back as 1997 the Province had assured Pictou Landing First Nation that once remediation was complete all lands in and around Boat Harbour would be turned over to the community. I enclose two pieces of correspondence which are readily at hand and which document some of the discussion around land at the time. Further work will be required to uncover the full dealings between Pictou Landing First Nation and the Province in respect of the transfer of these lands to Pictou Landing First Nation. Suffice to say that is the community's long held expectation (and potentially an enforceable right) to have all lands around Boat Harbour cleaned up and returned to the community once the treatment facility was closed.

Lands

The *Design Requirements Document* (section 4.3.4) states that the Province has yet to determine whether treatment facility land is to be transferred to the community. As noted above, the transfer of the land to Pictou Landing First Nation has been an ongoing commitment since the mid-1990's. In fact, the community has asserted elsewhere that these commitments are legally binding in that they were made in exchange for the forbearance by the community in respect of the continued use of Boat Harbour as an effluent treatment facility.

Chief and Council were surprised that transfer of the land is now being questioned.

Remediation Targets

Throughout the *Design Requirements Document* reference is made to a "risk based approach" to remediation. This approach contemplates that some contaminants may remain in place and that certain measures may or may not be required for their long term management. While Chief and Council do not expect every single molecule of contaminant to be removed, what is not clear from the document is the extent to which contaminants will remain in Boat Harbour and on the surrounding lands.

In the past it has been stated that the extent of remediation will be governed by existing regulations. At this time, Chief and Council request that a list of known contaminants be created which would indicate, for each contaminant: (a) the known or potential location of the contaminant, (b) the properties of the contaminant focusing on the possible harmful effects of each; (c) the specific regulation that governs the amount of the contaminant to be removed or to remain as the case may be; and (d) the "regulated" level of the contaminant i.e. the amount of the contaminant that is permitted under the regulation.

Chief and Council have not had this information available to date. They recognize that they could obtain this information through independent consultants, but it is not clear that funds are available for this or that it is necessary in light of the fact that this information is known to the Province and its consultants and can be readily made available.

Scope

Chief and Council are concerned that the environmental assessment and, if necessary, the remediation of Lighthouse Beach and Moodie's Cove do not appear to have been within the scope of the proposed work. These areas are adjacent Reserve lands and have been historically an important recreational resource for the community.

Chief and Council would also like confirmation that Indian Cross point is included in the scope of the restoration.

Economic Benefits

The *Design Requirements Document* (section 4.8.2) appears to imply that the bidding process will not be designed to generate targeted economic benefits to Pictou Landing First Nation. Instead the "ultimate driver is effective and cost-effective cleanup" of Boat Harbour. Frankly, Chief and Council hope that this interpretation is not correct as it seems to be at odds with the discussions that have taken place to date.

While Chief and Council appreciate that there may be some individuals in the community who will be suited for employment during the cleanup and subsequent monitoring activities, they are adamant that more general and direct economic benefits are appropriate in light of the history of Boat Harbour, the devastating impacts it has had on the community and the inconvenience that the clean-up process will have on the community going forward.

Some may recall that in 2010 Bernd Christmas had outlined a funding program based on the administrative and capacity deficits identified by the community. The program outlined expenditures of some \$5 million over a three year period and as well provided for the construction of a new administration building. While the administration building has been built, the other deficits remain. The costs of addressing them are likely higher than when first proposed. In the meantime capital projects such as housing and a new school have become urgent priorities as has capital and operating funding for economic development.

Chief and Council would like to see the bid process designed to generate meaningful and substantial economic benefits to Pictou Landing First Nation and as such are not satisfied with the direction suggested by the *Design Requirements Document*. Bids should be scored in part on the economic benefits to Pictou Landing First Nation and that scoring factor should be assigned sufficient weight to generate significant net benefits to the community. Chief and Council do not feel that is appropriate to put forward a hard number at this time and would like to discuss same further.

Environmental Monitoring

There will be a need for ongoing monitoring of the environment in and around Boat Harbour. Chief and Council see this as something that the community can take on either directly or

through private or community owned companies. Since this capacity will take time to create, Chief and Council would like a commitment from the Province to design and implement a program to assist Pictou Landing in developing this capacity and to transfer responsibility for environmental monitoring to the community, with appropriate funding for adequate monitoring into the future.

Development of Boat Harbour

Chief and Council are unclear as to the process to be put in place for determining the structures and modifications that may form part of the environs around Boat Harbour for the use and enjoyment of the community and as a point to reflect upon the Boat Harbour legacy. It appears to be recognized in parts of the report. Chief and Council do believe that the existing treatment support building could be repurposed as part of future developments around Boat Harbour. Chief and Council would also like to see a dock and slipway as well as facilities for canoe and kayak storage.

Habitat Restoration

In more than one instance the report states (section 4.3.4 and 4.5) that long term ecological maintenance and restoration is not part of the scope of the work. Chief and Council will need to understand what is being proposed in this regard and why it is not part of the project.

Indian Cross Point

Chief and Council would like more work done to determine whether the pipeline can be completely removed in the area of Indian Cross Point without further disturbing the site. They expect that the removal of the pipeline would not disturb any artifacts given the excavation of the site to install the pipeline. However, they reserve further comment pending consultation with archeologists. As noted above their preference is not have any lingering infrastructure on their lands.

Wetlands

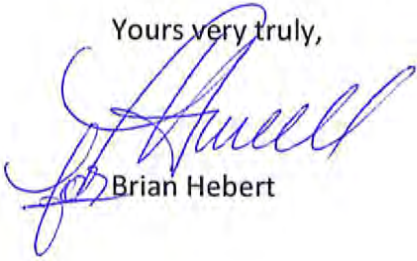
Complete removal of wetlands is noted in the report to be the best option as opposed to remediation in place. Chief and Council have heard from Environment Canada that further information will be required in order to determine the impact of such a process. Again Chief and Council reserve comment on that approach until further information and advice is obtained.

Technical Matters

There are a number of other technical matters that have been raised by the Mi'kmaw Conservation Group. These will be supplied under separate cover as they don't appear to affect

the overall project. Chief and Council also have more technical questions and requests for further information which will be addressed at the same time.

Yours very truly,

A handwritten signature in blue ink, appearing to read "B. Hebert", is written over the typed name "Brian Hebert". The signature is fluid and cursive.

Brian Hebert



NS Lands
nova scotia lands

5th Floor, Johnston Building
1672 Granville Street
PO Box 186
Halifax, NS B3J 2N2
Tel: 902-403-9744

August 23, 2018

Chief Andrea Paul
Pictou Landing First Nation
43 Maple Street
R R #2, Box 55, Site 6
Trenton, NS B0K 1X0

Dear Chief Andrea Paul:

**Re: Consultation with Pictou Landing First Nation on the Boat Harbour
Remediation Project**

On May 29, 2018, the Office of Aboriginal Affairs received a letter from Brian Hebert, Solicitor for Pictou Landing First Nation (PLFN) on the Boat Harbour Remediation Project. This letter was responding to the first formal consultation meeting, under the Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference, on the above-mentioned project to discuss the Remedial Options Decision Document prepared by GHD for NS Lands. The comments provided were indicated as preliminary comments, recognizing there will be further discussion.

The following is Nova Scotia Lands understanding of the Pictou Landing First Nation's position as laid out in that correspondence, as well as our preliminary response to the issues raised.

We acknowledge that many of the issues raised in the correspondence have been the subject of our informal consultation and engagement over the past few years through the Boat Harbour Cleanup Committee, as well as in other communications and other engagement venues.

On August 9, 2018, a presentation was made to Nova Scotia Executive Council on the remedial options for the project as developed by GHD, on Pictou Landing First Nation's response to the remedial options as laid out in the May 29, 2018 correspondence (your letter) and the Project Team's analysis.

Containment Cell

The existing containment cell is cited in documents as the most likely location for depositing the sediment from the remediation. As indicated in your letter, PLFN is strongly opposed to any contamination being left at or near Boat Harbour. Your letter indicates that PLFN is prepared to wait on the approval of another containment facility rather than proceed with a long-term containment cell at Boat Harbour.

The Project Team's current estimates are that approximately 500,000 cubic meters of waste will be generated as contaminated sediment when removed from the Boat Harbour Effluent Treatment Facility and adjacent wetlands. This waste includes dioxins and furans at levels required to be deposited in an approved containment cell. The existing containment cell, which is located adjacent to the Boat Harbour Effluent Treatment Facility on provincially owned lands, is approved for the containment of the contaminated sediment, while an amendment to the approval for an increase in capacity will be required. The existing containment cell has the engineering integrity and, with some modification and refurbishment, will have the capacity to securely contain it.

Subject matter experts have advised the Project Team that an approval process for a new containment cell could take five (5) to eight (8) years and is therefore not a timely option. As well, approval to construct and operate a new containment cell is not a certain outcome.

In addition, Nova Scotia Environment has advised the Project Team that there are no other off-site containment cells in Nova Scotia currently approved to accept the material.

Direction received approves use of the existing containment cell, with a commitment to develop and fund Pictou Landing First Nation capacity and a PLFN entity for long term maintenance and monitoring of the cell.

Lands

Your letter indicates that the Design Requirements Document states that the Province has yet to determine whether treatment facility land is to be transferred to the community. As well, PLFN asserts that these commitments are legally binding and were made in exchange for forbearance by the community in respect to the continued use of Boat Harbour as an effluent treatment facility.

The Project Team has consistently confirmed to PLFN that treatment facility lands will be offered to be transferred to the Band after the remediation is complete. There are also several provincially-owned properties adjacent to the community that will also be offered to the Band. These commitments will be respected.

Remediation Targets

In your letter, reference is made to a “risk-based approach” to remediation. It states that Chief and Council are not clear from the documents what contaminants would remain in Boat Harbour and on surrounding lands. Chief and Council request a list of known contaminants that indicates, for each contaminant: (a) the known or potential location of the contaminant; (b) the properties of the contaminant focusing on the possible harmful effects of each; (c) the specific regulation that governs the amount of the contaminant is to be removed or to remain as the case may be; and (d) the “regulated” level of the contaminant i.e. the amount of the contaminant that is permitted under the regulation.

The Phase II Environmental Site Assessment, conducted by GHD in late 2017 and early 2018, has been finalized. This Assessment details some of the noted information and will be provided to PLFN. The Human Health and Ecological Risk Assessment of the wetlands, referred to later in this correspondence under the heading Wetlands, will provide the balance of the information requested.

Scope

PLFN is concerned that the environmental assessment and, if necessary, the remediation of Lighthouse Beach and Moodie’s Cove do not appear to have been within the scope of the proposed work. Chief and Council also request confirmation that Indian Cross Point is included in the scope of restoration.

The Phase II Environmental Site Assessment has determined that the impacts of contamination from the Boat Harbour Effluent Treatment Facility, which would trigger remediation, do not reach as far as Lighthouse Beach or Moodie’s Cove. Notwithstanding that determination, additional assessment of the sediments in Moodie’s Cove will be undertaken in summer 2018 by Acadia University’s Dr. Ian Spooner with participation of community members on the assessment team.

Indian Cross Point is within the scope of the Project.

Economic Benefits

In your letter, you express concerns that the Design Requirements Document appears to imply that the bidding process will not be designed to generate targeted economic benefits to PLFN. Chief and Council request that the bid process be designed to generate meaningful and substantial economic benefits to PLFN and that bids be scored in part on the economic benefits.

The Project Team confirms that the ultimate driver for the Boat Harbour Remediation Project is, in fact, “effective and cost effective cleanup”. This issue and its tie-in with economic benefit to the community has consistently been discussed with PLFN. To date, PLFN has participated in virtually every aspect of planning field work, site surveys, site assessments and construction. The intent is that this will continue. All research projects, consulting studies and construction have had community members hired and paid to participate. Virtually all procurement for consulting studies and construction has required the bidders to submit workplans which detail the bidder’s engagement and participation of PLFN’s community members in the procured services, and these workplans were scored as part of the proposal evaluation process. The intent is that this procurement approach will continue.

In addition, the Project Team has initiated and supports a Land Use Planning process with PLFN, which will have focus on end site use of Boat Harbour after remediation is complete. The Project Team has long communicated that an investment in future site use is an appropriate enhancement of the Project to the extent that it could generate meaningful and substantial economic benefits to PLFN, and to the broader community, in areas of ecotourism and economic development.

We have received approval of early engagement on the consideration of an enhanced investment in future site use based upon the successful Sydney Open Hearth Park model.

Environmental Monitoring

There will be a need for ongoing monitoring of the environment in and around Boat Harbour. Your letter indicates that PLFN sees this as something that the community can take on either directly or through privately or community-owned companies and request the design and development of a program to assist PLFN in developing this capacity and to transfer responsibility for environmental monitoring to PLFN, with appropriate future funding.

The Project Team has discussed this with PLFN and is supportive of this approach.

Habitat Restoration

PLFN requests assistance to better understand what is being proposed and what is outside of the scope of work for habitat restoration.

The Project Team will communicate this information to enable such understanding and will address this through the Boat Harbour Cleanup Committee discussions.

Development of Boat Harbour

In your letter, you indicate that PLFN is unclear as to the process to be put in place for determining the structures and modifications that may form part of the environs around Boat Harbour for the use and enjoyment of the community. PLFN believes that the existing treatment support building could be repurposed as part of future developments around Boat Harbour. PLFN also requests construction of a dock and slipway as well as facilities for canoe and kayak storage.

As mentioned above, the Project Team has funded and supports a Land Use Planning process for PLFN, which will focus on end site use of Boat Harbour after remediation is complete. The Project Team has communicated that an investment in future site use is an appropriate enhancement of the Project and we have received approval to engage on this matter. The understanding is that the repurposed treatment support building and the dock and slipway will be elements of this land use plan and any commensurate future investment in the site.

Indian Cross Point

Your correspondence notes that PLFN would like more work done to determine whether the pipeline can be completely removed at Indian Cross Point without further disturbing the site. PLFN expects that the removal of the pipeline would not disturb any artifacts given the previous excavation of the site to install the pipeline. PLFN reserves further comment pending consultation with archaeologists.

The Project Team confirms that this requested assessment will be addressed and this has been discussed at the Boat Harbour Cleanup Committee.

Wetlands

Your correspondence notes that PLFN reserves comment on the recommended best option of complete removal until further information and advice from Environment and Climate Change Canada has been received.

The Project Team intends to conduct a Human Health and Ecological Risk Assessment of the wetlands which will serve to inform the regulators (including ECCC), the Project Team, and PLFN on the optimal approach to manage the wetland remediation and/or risk-based approach. We have been directed to do so and we have engaged Nova Scotia Environment, Environment and Climate Change Canada, Health Canada and Indigenous Services Canada to advise on a proposed workplan for this assessment.

While GHD's recommended remedial option and feasible concept was to undertake complete removal of the sediment, the Project Team is of the position that a risk-based approach is more appropriate. The risk-based approach is also an appropriate response to PLFN's position.

Technical Matters

Your letter notes that there are several other technical matters that have been raised by the Mi'kmaw Conservation Group and that these will be supplied separately.

The Project Team notes this position, has received the report from MCG, and has responded to technical matters raised.

In closing, while we wanted to take the opportunity to respond to the issues raised in the May 29, 2018 correspondence, we affirm that we will continue to listen and respond to the concerns of PLFN as we move forward with project planning and implementation.

The Project Team looks forward to continued consultation and to working together with Pictou Landing First Nation to clean up Boat Harbour.

Please do not hesitate to contact me should you wish to discuss anything further.

Yours truly,



Ken Swain

Project Leader