

Appendix L
Minutes from BHCC Meetings during EIA and
Meeting with PLFN to Review Draft EIS

February 22, 2019 BHCC Meeting Agenda and Minutes

Agenda- Final

Boat Harbour Cleanup Committee Meeting

Moving Forward

Date and Time: February 22, 2019 9:30 – 2:45 p.m. Prince George Hotel

Attendees:

Chief Andrea Paul, Wayne Denny, Marsha Mills, Derek Francis, Dominic Denny, Gordie Prosper, Don Francis, Michelle Francis-Denny, Heather Head, Barry Francis, Tracey Denny, Lucy Francis Kim Strickland, Sosep Hatfield, Colleen Denny, Sheila Francis, Melanie Francis, Michelle Simpson, Paul LaFleche, Stephen MacIsaac, Jo Ann Fewer, Ken Swain, Angela Swaine, Chad Lucas, Marrisona Wells, Justin Huston

9:30 – 9:45	Welcoming Remarks, Introductions, Agenda Review	Jo Ann
9:45 – 10:30	Where We've Been Since 2014 and Moving Forward	Ken and Chief Andrea
10:30 – 11:09	Challenges with Where We've Been and Moving Forward	All
11:19 – 12:00	Group ATN Report on Opportunities Moving Forward on the Strategic Action Plan, Including Procurement	Jo Ann, Michelle Simpson and All
12:00 – 1:00	Lunch Served in Meeting Room – an Opportunity to Review and Discuss Materials Displayed	All
1:00 – 1:15	Deputy Minister Remarks	Paul LaFleche
1:15 – 1:30	Picking up the Outstanding Items from the Morning	Jo Ann and All
1:30 – 1:45	Communications and Future BHCC Meetings	Jo Ann and All
1:45 - 2:00	Decisions and Actions Items - Recap	Jo Ann and All
2:00 – 2:15	Roundtable and Pack up	All

"Maw-Lukutinej Waqama'tuk A'se'k"

"Let us work together and clean up Boat Harbour"

Minutes

Boat Harbour Cleanup Committee Meeting – Moving Forward		
February 22, 2019	9:30 a.m. – 2:00 p.m.	Prince George Hotel Halifax
Meeting called by	Nova Scotia Lands Inc.	
Facilitator	Jo Ann Fewer	
Note taker	Marrinna Wells	
Attendees	Chief Andrea Paul, Wayne Denny, Marsha Mills, Derek Francis, Dominic Denny, Gordie Prosper, Don Francis, Michelle Francis-Denny, Heather Head, Barry Francis, Tracey Denny, Lucy Francis, Sheila Francis, Kim Strickland, Sosep Hatfield, Colleen Denny, Melanie Francis, Michelle Simpson, Paul LaFleche, Stephen MacIsaac, Jo Ann Fewer, Ken Swain, Angela Swaine, Chad Lucas, Marrinna Wells, Justin Huston	
Where We've Been Since 2014 and Moving Forward		
9:45 – 10:30	Ken Swain	
Discussion	<p>Power point presentation provided to all, serves as the discussion overview.</p> <p>Discussion points:</p> <ul style="list-style-type: none"> • Liability recently updated to \$217 million, of which \$21 million spent to date. Includes about \$8 million for GHD, \$6 million for pilot scale work and just under \$1 million to PLFN. • PLFN well field assessment conducted by two 3rd parties, no impacts from return to tidal. • The BHEAC committee is about foreseeing any issues that may arise on the path, to help deter these issues from happening. • What will happen to the pipeline? – There are three options 1. Remove all of the pipe, 2. Remove parts of the pipe 3. Leave pipe and fill. (April 2018) Decision made to let the PLFN community decide what happens to the pipe adjacent to Indian Cross Point. So far, the general consensus has been to leave the pipe and fill but more input from the community is needed and this is an action item for the community. • Waste management; containment cell on site to be used with a vertical height above the existing berm height of about 12 meters in the worst-case scenario. • PLFN wants a Federal EA for Boat Harbour Remediation Project as they are concerned with the waste left on site near Boat Harbour. • Water levels of Boat Harbour will be a foot or two lower than what they are right now once remediation is complete and will be even lower during low tide. 	

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	<ul style="list-style-type: none"> • During pilot testing it was gleaned that too much of the clean underlying harbour bottom was being taken during dredging, which would significantly impact the amount of sludge that will go into the containment cell and increase costs, so an alternative dredging method is being examined. • For remediation there will probably be two large contracts awarded worth millions of dollars each, plus we are considering the possibility of GHD to oversee implementation. • It was asked if project work be done during the downtime before the project starts with the answer being no, if it is part of the overall project we cannot do any work without the environmental approval. • It was asked if there a chance the mill will still pump into Boat Harbour after Jan. 31, 2020 with the response being the Premier is staying firm in messaging on the date. • OAA commented that the lapse in time gives more opportunity for PLFN community members to get geared up to take advantage of economic opportunities. The expectation is that the EA results in a project approved with conditions (however this is not guaranteed). The other two possible outcomes are either that the project undertaking will be approved without conditions or that it will be rejected. • A question was posed as to whether the mill will be able to pump their clear water used to keep boilers operational into Boat Harbour during the downtime? NS Lands will consult with Nova Scotia Environment and reply in writing to PLFN. • A question was posed as to whether the Mill could still pump effluent into Boat Harbour because it is treated to which the reply was no, treated effluent is still effluent. • PLFN asked if there would be more opportunities for training, NS Lands confirmed further training would be supported. • PLFN concerned about the small explosions (off gassing) that can happen from containment cell (from Project description). NS Lands will follow up on the issue' • PLFN expressed concerns over transporting sludge if there was an accident. 	
Action Items	Person Responsible	Deadline
Need more input from PLFN community about what they would like to see done with the pipeline	Community Liaison	PLFN Meeting March 21
Federal EA decision pending <i>Post Meeting note that decision made that CEAA EA to be conducted</i>	CEAA decision	Feb.22, 2019
Training/ Economic Opportunities for PLFN – develop requests/ plans	PLFN	Ongoing

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Will the mill be able to pump their clear water used to keep boilers operational into Boat Harbour during the downtime	NSLI – Response in writing requested	??
Challenges with Where We've Been and Moving Forward		
10:30 – 11:09	All	
Discussion	<p>PLFN Community Liaison Coordinator voiced concerns about:</p> <ul style="list-style-type: none"> • a discussion about social insurance numbers by a major consultant of the BHRP • trucks going to and from Boat Harbour not getting gas at Victoria's PLFN gas bar • information not flowing down to sub-contractors – they need to engage PLFN business/ employees • NS Procurement process – how to take advantage of opportunities • Relationship is important! PLFN should not be excluded by any of the talks, including NS Procurement • NS Procurement process should be more open. Communication around PLFN employment content - what contractors have to do and are they fulfilling them • PLFN Chief expressed concern that there needs to be more dialog with community members. Have first meeting without Government to have a real conversation within the community to get their perspective. Keep consultation discussions to PLFN only. Future PLFN events only for PLFN community. PLFN Chief expressed concern about the issue of are we on track, is the community behind us, are we representing the community voice. • The PLFN community need to feel like they had a hand in the project in any small way to be part of the legacy. • Exciting new developments - Develop curriculum for history of Boat Harbour, learning outcomes for children, children part of land development • NS Lands reasserted that if there are issues then let us know – keep communication open and timely 	
Action Items	Person Responsible	Deadline
Ability for PLFN to have a direct line to NS Procurement Dept.	PLFN, Michelle Simpson	Ongoing
Include PLFN in the NS Procurement process, including evaluation of the First Nation Workplan piece only of <i>RFPs</i>	NS Procurement will assess and act in consultation with NS Lands	Ongoing
Follow up and address - Plan for communication of contractor's obligations to PLFN from RFPs and follow up to make sure those obligations are met	NS Procurement, NSLI, PLFN	Ongoing

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Develop curriculum for history of Boat Harbour for PLFN school to educate children	PLFN	Ongoing
Group ATN Report on Opportunities Moving Forward on the Strategic Action Plan, Including NS Procurement		
11:19 – 12:00	Jo Ann Fewer, Michelle Simpson	
Discussion	<ul style="list-style-type: none"> • Assess Progress to date – started today • Establish a Project Charter – PLFN is doing this with Group ATN • Address Governance Issues – these all should appear somewhere in the Project Charter document • Evaluate Materials Shared with Bidders – Once PLFN has a package for bidders then NS Lands can help” polish” this package before it is given to bidders. • Schedule a Briefing Session for PLFN on NS Procurement Rules and Opportunities – Michelle Simpson from NS Procurement provided a briefing and NS Lands and NS Procurement will work on a concept of PLFN inclusion in the First Nations components of procurement on the Project • Utilize the Project Matrix developed by Group ATN– PLFN to use this tool which also may inform developing partnerships • NS Lands identified a business opportunity in a source for fill (project materials) ‘borrow’ supplies obtain from PLFN lands for project 	
Action Items	Person Responsible	Deadline
Identify Appropriate Business model - Establish a project charter (Form a Committee for)	PLFN with Group ATN	
Project Matrix – Funding training – Process to go through (address)	PLFN to lead/ NS Lands to support	
Commitment for containment cell long term monitoring and maintenance – provide assistance in development of entity and provide training/ mentoring etc.	NS Lands with PLFN	
PLFN to create bidders’ package for RFPs, NS Lands to help “polish” PLFN bidders’ package before submitting.	PLFN and NS Lands	
‘Unearth” sources of fill on PLFN as a business opportunity	NS Lands with 3 rd party engineering firm PLFN – to explore business opportunity	
Deputy Minister Remarks		
1:00 – 1:15	Paul LaFleche	

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Discussion	<ul style="list-style-type: none"> Deputy Minister did a round table for introductions and to talk to individuals one on one, gave a few remarks to the group – Minister Hines has been to visit the Boat Harbour site. 	
Communications and Future BHCC Meetings		
1:15 – 1:45	Jo Ann Fewer	
Discussion	<ul style="list-style-type: none"> Boat Harbour Cleanup committee to meet every two months (next meeting will be April) A session on what the EA is and means for the PLFN community, the process, how long it will take, and a hand out for information, and when there will be work during the downtime Team call with Michelle every Monday morning to continue PLFN to create a presentation to use to help obtain partnerships (NS Lands to help) NS Lands commented that they will soon initiate broader public communications PLFN to share best practices with others Decommissioning of the pipeline at Indian Cross Point, need for a community focus group session NS Lands agreed to support a video production to '<i>tell our story</i>' (PLFN) Opportunity to learn from JEDI initiative in NB. Use of JEDI model – Educate employers/ define the process (Onboarding etc.) What else is available? Patsy Paul - PLFN to explore 	
Action Items	Person Responsible	Deadline
A session on what the EA is and means for the PLFN community, communicate the 'downtime'	CEAA, NS Lands, PLFN	March 12
All on board representation of the community voice PLFN- Check in Meeting (Just for PLFN members)	Michelle Francis-Denny	
PLFN to create a presentation to use to help obtain partnerships (NSLI to help)	Michelle Francis-Denny	
PLFN to develop focus group to talk about decommissioning of pipeline – NSLI to have session about pipeline decommissioning	PLFN – develop focus group NSLI – Plan Info Session	March 21
NSLI invest in a video to ' <i>tell our story</i> ' (for PLFN)	PLFN to create (NSLI to support)	
Use of JEDI model, educate employers/ define the process (Onboarding etc.) – PLFN to explore	Michelle Francis-Denny	
Land use Plan PLFN has developed with NS Lands support	PLFN, NSLI	

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NS Lands will help advance elements of plan (current and during cleanup)		
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May 31, 2019 BHCC Meeting Agenda and Minutes

BHCC Agenda

“Maw-Lukutinej Waqama’tuk A’s’e’k”

“Let us work together and clean up Boat Harbour”

May 31, 2019

Accepted Attendees:	Andrea Paul, Dominic Denny, Barry Francis, Donald Francis, Ken Swain, Angela Swaine, Michelle Francis-Denny, Tracey Denny, Heather Head, Christine Skirth, Darren Lawless, Jo-Ann Fewer, Marsha Mills, Kim Strickland,
Tentative:	Haley Bernard, Derek Francis
Declined:	Sheila Francis

Location: PLFN Health Centre: 10:30 – 1:30 pm (Lunch Provided)

- Review of Actions FEB 22 meeting
- Pilot Scale Testing Update
- Lands Transfer from Nova Scotia to PLFN
- Environmental Assessment
- Archaeological and GPR Survey Indian Cross Point
- Air Monitoring Update
- Federal Funding Announcement
- PLFN Economic Analysis / Charter
- Drone Training
- Discussion on next meetings / frequencies.

Next Meeting _____

BHCC – Action Items

Date/ Time	May 31, 2019 Pictou Landing First Nation	
Attendees	Michelle Francis-Denny, Lucie Francis, Donald Francis, Dominic Denny, Chief Andrea Paul, Ken Swain, Angela Swaine, Darren Lawless, Christine Skirth, Heather Head, Tracey Denny, Jo-Ann Fewer, Kim Strickland, Taylor Francis, Haley Bernard	
No.	Action Items	Action
1.	Pumping clean water post closure date explanations/ update	N.S. Lands Ken Swain
2.	Discussion with Director of Education regarding BH/ A'se'k curriculum	PLFN Chief Andrea
3.	Presentation of ATR process – Land Use planning to the group (Ken connect with Barry)	PLFN Barry
4.	Palmers conversation about doing more GPR work on the land	PLFN Chief Andrea
5. Standing Item	Qualified firm to review Human Health and Ecological Risk Assessment report being provided by GHD when assessment is complete (won't be complete till Feb 2019)	PLFN / N.S. Lands
6.	LUP – Elements that can be advanced discussion	N.S Lands / PLFN Ken , Barry
7.	Indigenous Reconciliation Awareness Model – JEDI	PLFN Michelle
8.	Set up an information sharing meeting with MCG / N.S. Lands	PLFN Michelle
9.	Air Monitoring Community Session finalize dates	STANTEC Kim / Jillian
10.		
11.		
12.		
13.		
14.		

October 8, 2019 BHCC Meeting Agenda and Minutes

BHCC Agenda

“Maw-Lukutinej Waqama’tuk A’s’e’k”

“Let us work together and clean up Boat Harbour”

October 8, 2019

Accepted Attendees: Christine Skirth, Angela Swaine, Kim Strickland, Dominic Denny, Marsha Mills, Tracey Denny, Michelle Francis-Denny, Andrea Paul, Derek Francis

Tentative:

Declined:

Location: PLFN Training Centre: 10:00 – 1:00 pm (Lunch Provided)

- Review of Aug 27 Action Items
- EIS/Consultation
- GPR
- BH fish survey
- Country foods survey
- Sludge thickness tender
- Borrow source
- Wellness study
- Land use plan
- Procurement
- Educational initiatives
- Detour/temporary bridge

Next Meeting _____

BHCC – Action Items

Date/ Time	For October 8, 2019 Pictou Landing First Nation	
Attendees		
No.	Action Items	Action
1.	Pumping clean water post closure date, connect with NP about closure plan	Andrea
2.	A'se'k Education Initiative- Prepare template to assist Michelle in further discussion with Education outreach	N.S Lands
3.	Speak to Minister about expediting ATR process	Andrea / Barry
4.	Discussions and logistics starting the Transfer of Palmers property to PLFN	PLFN Barry
5. Standing Item	Qualified firm to review Human Health and Ecological Risk Assessment report being provided by GHD when assessment is complete (won't be complete till Feb 2019) - Send Draft to Brian Herbert	PLFN / N.S. Lands
6.	LUP – Elements that can be advanced discussion, Investments of future site use	N.S Lands / PLFN Ken, Barry
7.	Reschedule Pilot Scale Debrief meeting for October	PLFN Michelle
8.	Procurement – Identify Borrow Source	N.S. Lands / PLFN Barry/ Ken
9.	Air Monitoring Community Session finalize dates	STANTEC Kim / Jillian
10.	Forward Northern Pulp questionnaire to N.S Lands	PLFN Andrea
11.	Connect with PLFN Fire Department regarding funding for recertification	PLFN Michelle
12.	Waste Water Treatment Facility discussion with Barry and Debbie D.	N.S Lands
13.	Meeting with PLFN and Mindy Denny on Study.	N.S Lands PLFN
14.	Procurement (bottom survey) Wasn't clear what the action is out of this information. Are there expectations of PLFN to involved in this tender process as mandatory content? Was not discussed.	?

December 4, 2019 BHCC Meeting Agenda and Minutes

BHCC Agenda

“Maw-Lukutinej Waqama’tuk A’s’e’k”

“Let us work together and clean up Boat Harbour”

December 4, 2019

Accepted Attendees: Christine Skirth, Angela Swaine, Kim Strickland, Dominic Denny, Marsha Mills, Tracey Denny, Michelle Francis-Denny, Andrea Paul, Derek Francis

Tentative:

Declined:

Location: PLFN Training Centre: 10:00 – 1:00 pm (Lunch Provided)

- Review of Action Items
- EIS/Consultation
- GPR
- BH fish survey
- Country foods survey
- Sludge thickness tender
- Wellness study
- Land use plan
- Bridge Update & Detour Options
- Procurement (18 Months)
- Educational initiatives
- 3D containment Cell and/or infographic
- Land transfer commitments

Next Meeting _TBD_ FEB _____

BHCC – Action Items		
Date/ Time	For December 4 , 2019 Pictou Landing First Nation	
Attendees		
No.	Action Items	Action
1.	Pumping clean water post closure date, connect with NP about closure plan. (Update – NP passes the buck back to N.S.)	Andrea
2.	Speak to Minister about expediting ATR process	Ian / Barry
3.	Transfer of Palmers property to PLFN - (please update on this, if no progress has been made, what do we need to do?)	PLFN Barry
4. Standing Item	Qualified firm to review Human Health and Ecological Risk Assessment report being provided by GHD when assessment is complete (won't be complete till Feb 2020) <ul style="list-style-type: none"> - Draft sent to Brian Herbert - Working on Final HHERA 	PLFN / N.S. Lands
5.	LUP – Elements that can be advanced discussion, Investments of future site use. Is there anything that can involve legacy planning?	N.S Lands / PLFN Ken, Barry
6. Complete	Connect with PLFN Fire Department regarding funding for recertification – Update- Information and opportunity provided in Sept 2019	PLFN Michelle
7. Complete	Community Air Monitoring Session – Nov 22 Lunch and Learn	Stantec Kim/Jillian

MERRY CHRISTMAS!

February 21, 2020 PLFN Review Draft EIS Meeting Minutes



Minutes

March 6, 2020

Subject: Draft EIS Review with PLFN Boat Harbour Remediation Planning and Design Ref. No. 11148275

Client: Nova Scotia Lands Inc.

From: Christine Skirth/Blair Shoniker Tel: 613-297-7687

Venue/Date/Time: Johnston Building Rm 514, February 21, 2020, 9 AM to 12:45 PM

Distribution: [X] Email [X] SharePoint [] Electronic Filing [] Other: [X] NS Lands (AS/KS/DB) [] GHD (CS/KG) [] All Attendees

Attendees:

Table with 4 columns: Name, Representing, Name, Representing. Lists attendees such as Melanie Smith, Lauchie MacLean, Joanna Tombs, etc.

On the Phone:

Table with 2 columns: Name, Representing. Lists Steve Schaller as EXP.

Table with 3 columns: Item Description, Action, Due Date. Contains one item describing the meeting purpose.



Item Description	Action	Due Date
<p>2) Overview of Meetings With Federal Regulators</p> <ul style="list-style-type: none"> i. One and half hour sessions were held on February 19 with Environment Canada and Climate Change, Health Canada, Department of Fisheries and Oceans (DFO), and Transport Canada. Impact Assessment Agency of Canada (IAAC) organized and participated in the meetings along with NS Lands and GHD. PLFN had been invited to attend these meetings. ii. The purpose of each meeting was to provide the regulators with: <ul style="list-style-type: none"> a. An overview of the Draft EIS organization relative to the EIS Guidelines including the supporting documents provided through appendices provided in the EIS and reference documents listed but not appended to the EIS. b. Specifics EIS information relevant to the primary Valued Components (VCs) of interest to the Regulatory Agency and discussion on any items raised. c. Discussion on schedule for EIS submission to IAAC. 		
<p>3) Overview of the Draft EIS Presented to PLFN</p> <ul style="list-style-type: none"> i. The presentation attached to the meeting minutes was delivered by Ken Swain - NS Lands Project Lead, Blair Shoniker - EA Lead for GHD, and Christine Skirth – Project Lead for GHD. The focus of the discussion was around Section 3 – Project Components, Section 5 - Engagement with Mi'kmaq of Nova Scotia and Concerns Raised, Section 6 – Impacts to Potential or Established Aboriginal or Treaty Rights, Section 7.3 - VC Environmental Effects Assessment and Section 9 – Monitoring. Below is a summary of the discussion on each of the sections based on questions/concerns raised during the meeting. ii. Section 3 – Project Components <ul style="list-style-type: none"> a. Chief Paul asked about the work that is to be completed by the Mill as part of the shutdown process specifically with regards to the pipeline cleaning and management of the waste from the settling basins and aeration stabilization basin. It was noted that the EIS being submitted to IAAC will include these components as part of the work as it is acceptable to remove project components after the EIS is approved providing they do not alter the intent and design of the project, but adding new components would likely trigger the need for expansion of the EIS, which would result in schedule delays. IAAC concurred with this approach. iii. Section 5 - Engagement with Mi'kmaq of Nova Scotia and Concerns Raised <ul style="list-style-type: none"> a. A summary of engagement with PLFN dating back to 2014 was included in the EIS. This was included as it set the stage for early project direction and decisions. Highlighted items included transfer of the Baker Estate near the Mi'kmaq Burial Ground to PLFN, development of PLFNs vision statement and goal for the project, and determination of the role for the Community Liaison Coordinator (CLC) and the Boat Harbour Cleanup Committee (BHCC). <ul style="list-style-type: none"> i. K. Swain noted that many of the records of engagement with PLFN would be provided as supporting documentation 		



Item Description	Action	Due Date
<p>in the EIS including BHCC meeting agendas and action items, A'se'k Newsletters, records of community meetings, cultural awareness sessions, film project, etc.</p> <ul style="list-style-type: none"> ii. Chief Paul noted that the legacy planning component was missing from the list of engagement activities. Chief Paul also ask if NS Lands would continue to support the legacy planning activities now that PLFN community members are able to focus on the remediation without the distraction of the Mill's project. NS Lands committed to continuing to work with PLFN on this initiative. NS Lands also has included information on the legacy planning initiatives in the EIS. <p>b. A summary of formal consultation prior to the EIS was reviewed. Formal consultation activities noted included presentation and discussion on the Remedial Options Decision Document and subsequent correspondence between PLFN and NS Lands, and the Project Description formal comment and review period.</p> <ul style="list-style-type: none"> i. B. Dera clarified that when we talk about formal consultation and the "duty to consult" it can be a bit confusing as NS Lands is a representative of the Province and the Proponent. Chief Paul noted that there have been many communications between NS Lands and PLFN, and she never thought about the need to clarify if they were consultation or engagement. Chief agreed that this meeting would be classified as consultation. As such, these meeting notes will form the record of the consultation. All agreed that we should be more specific on consultation vs. engagement moving forward. <p>c. A summary of formal consultation during the EIS process was reviewed. Activities discussed included BHCC/Boat Harbour Environmental Advisory Committee (BHEAC), CLC, community meetings on pipeline remediation and air monitoring, MEKS, Open Houses, Well Being Baseline Study, and decisions made by PLFN.</p> <p>d. Decisions made by PLFN that have been incorporated into the Project and reflected in the EIS include:</p> <ul style="list-style-type: none"> i. Sidewalk on both sides of the bridge ii. Bypass during bridge construction iii. Removal of the pipeline from Indian Cross Point to Highway 348 <p>iv. Section 6 – Impacts to Potential or Established Treaty Rights</p> <ul style="list-style-type: none"> a. K. Swain noted that impacts like the containment cell will remain and that some wetland destruction is needed based on the findings of the Human Health and Ecological Risk Assessment (HHERA). Accommodations made and planned were discussed including transfer of the Baker estate to PLFN (approximately 66 acres) and other planned land transfers following remediation, including the commitment to transfer the BHETF lands made by OIC in 1996 and the work underway to transfer a number of parcels of land primarily around the estuary which are currently 		



- owned by the Province of Nova Scotia. K. Swain noted that work is ongoing in preparation for future land transfers.
- b. K. Swain identified the key properties on a plan and discussed the portions of the Site that would remain with the Province for post closure care and maintenance of the containment cell.
 - c. B. Hebert asked if the 1996 Order in Council included the containment cell. *Post Meeting Note: NS Lands reviewed OIC 96-621 dated August 14, 1996 and confirmed to B. Hebert that the specific reference of the authorization is to "to transfer such portion of the Boat Harbour effluent treatment facility lands...". The Boat Harbour Effluent Treatment Facility, as defined, does not include the containment cell, so that portion of the property is not covered by the authorization to transfer as laid out in the OIC. Copy of email to B. Hebert attached.*
 - d. B. Hebert noted that PLFN has had some discussion with the Palmer's about purchasing the southwest corner of their land along the shoreline (approximately 12 acres). B. Hebert noted that it was bigger than the Palmer's had previously understood to potentially part of the Mi'kmaq Burial Ground and that they needed to review. NS Lands noted that they committed to fund the purchase of this land, where necessary and where possible.
- v. Section 7 – Summary of the Environmental Effects
- a. An overview of how information from the MEKS and the Well Being baseline reports were incorporated into the EIS was presented. Items discussed included:
 - i. Bridge bypass
 - ii. Pipeline removal
 - iii. Enhanced containment cell
 - iv. Culturally sensitive destruction of fish
 - v. Return to tidal including wetlands
 - vi. Exposure scenarios for the HHERA
 - vii. Mitigation measures
 - viii. Land use planning and transfers
 - ix. Job creation – pilot scale testing and air monitoring
 - x. Technical and trades training
 - xi. Climate change resilience in design
 - xii. Spatial and temporal boundaries from the MEKS
 - b. B. Shoniker noted that an authorization from DFO will be required for activities that will impact fish.
 - c. B. Hebert asked if the impact of the containment cell identified in the Well Being baseline was carried into the EIS. GHD noted that they were carried in the EIS and assessed as well as what we heard from PLFN at the EIS Open Houses.
- vi. Section 9 – Monitoring
- a. It was noted that the monitoring presented in the EIS sets up the frameworks for monitoring to be completed during the remediation and post remediation. The details of the programs are developed in conjunction with the individual approvals required for



Item Description	Action	Due Date
implementation of the Project following Environmental Assessment (EA) approval, should the Project be approved.		
<p>4) Other Discussions</p> <ul style="list-style-type: none"> i. Chief Paul noted that the Well Being baseline suggests that PLFN community members are not fully understanding the containment cell. Chief acknowledged that a number of sessions were held in the community on this subject in addition to printed media, but with the community impacts from the Mill project in parallel, it is understandable that the community could not clearly focus on the containment cell at the time the material was being discussed. Chief asked if NS Lands would prepare a short video on the containment cell to help with community understanding so that they can make an informed opinion. Chief Paul specifically requested that the video present facts and information but do not tell the viewer what they should think or the writers' opinions. <ul style="list-style-type: none"> a. Chief Paul reference a YouTube video on the Assembly of Nova Scotia Chiefs that is about seven minutes long. B. Dera commented that NSOAA also uses this video. Post Meeting Note: The video can be viewed at: https://www.youtube.com/watch?v=avMZ-XPPxHU b. Chief concurred that it could be cartoon style c. Chief suggest that all aspects (assessment of the options, what it is, how leachate is managed, what are the impacts post closure) should be covered in the video. d. NS Lands committed to creating a video. An initial working session with PLFN will be included in the BHCC meeting planned for March 4, 2020. B. Hebert requested that EXP (S. Schaller) be invited to the meeting as PLFNs Engineering Consultant. Meetings are organized by the CLC. <i>Post Meeting Note: This discussion took place on March 4, 2020 at the BHCC.</i> e. B. Hebert noted that the community needs the facts on the containment cell (i.e., can the waste be placed in the cell for 10 years and then moved to a new site once it is approved and built). f. L. MacLean noted that the request for development of the video could be managed in parallel with the EIS review, noting NS Lands commitment in this consultation meeting. ii. L. MacLean provided an overview of the EIS regulatory review process. Proponent submits an EIS, IAAC and other regulatory complete a conformity review relative to EIS Guidelines. If complete, EA timing starts including public comment period. Anticipates within 6 weeks or so for information requests (IRs) to be developed. Review timing stops while Proponent response to IRs. Once IRs are addressed timing for review restarts. L. MacLean also noted that while the public comment period has a defined timeline (30 days), engagement with PLFN will continue throughout the approval period. iii. NS Lands noted that they anticipate submitting the EIS in late March to IAAC. iv. Chief Paul shared some personal stories that she heard during the Well Being baseline information gathering. 	<p>PLFN/ CLC to extend invitation to B. Hebert and EXP</p>	



Item Description	Action	Due Date
v. Chief Paul noted that the Food Legacy piece is really important to the community.		
<input checked="" type="checkbox"/> Attachments: Presentation prepared for the meeting, email from K. Swain to B. Hebert dated February 21, 2020.		

This confirms and records GHD's interpretation of the discussions which occurred and our understanding reached during this meeting. Unless notified in writing within 5 days of the date issued, we will assume that this recorded interpretation or description is complete and accurate.



Boat Harbour Remediation Planning and Design

Draft EIS – with PLFN

Ken Swain | NS Lands Project Lead

Angela Swaine | NS Lands Project Manager

Christine Skirth | GHD Project Manager

Blair Shoniker | GHD EA Lead

Peter Oram | GHD EA Advisor

February 21, 2020



Meeting Objectives

1. Provide an overview of the Meetings with Federal Regulators
2. Overview of the Draft EIS
3. Provide a summary of the Effects Assessment

Information Covered at Regulator Meeting

Part 1 - Overview

1. Introductions
2. Meeting Objectives
3. Overview of Draft EIS
 - a) Baseline
 - b) Impact Assessment
 - c) Cumulative Effects
 - d) Accidents/Malfunctions, Effects of Environment on the Project
 - e) Monitoring

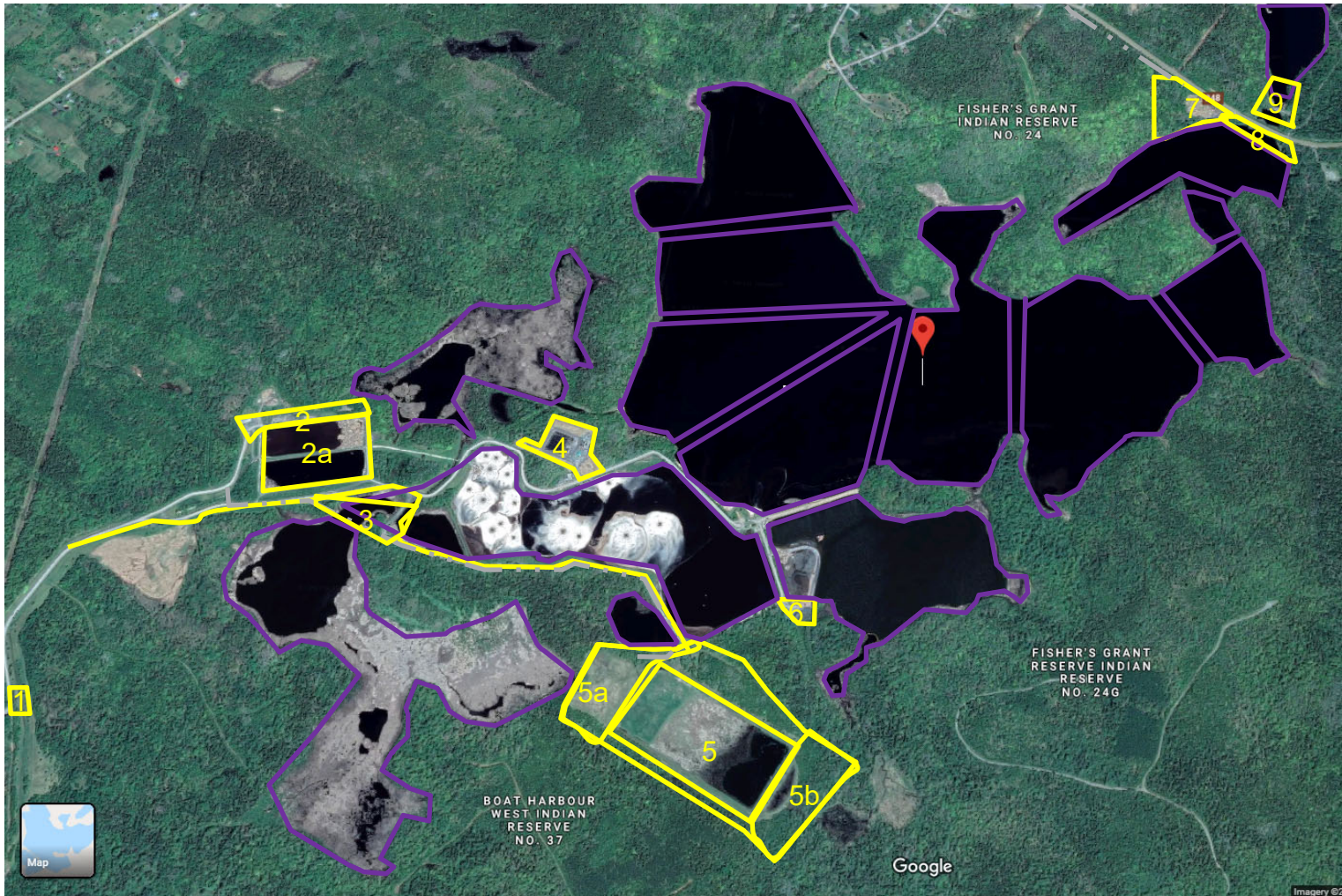
Part 2 – Specific EIS Information

1. Baseline Conditions
2. Impact Assessment
3. Summary of Effects
4. Monitoring
5. Reference Material

Part 3 – Wrap-up

1. Schedule
2. Questions/ Other Business

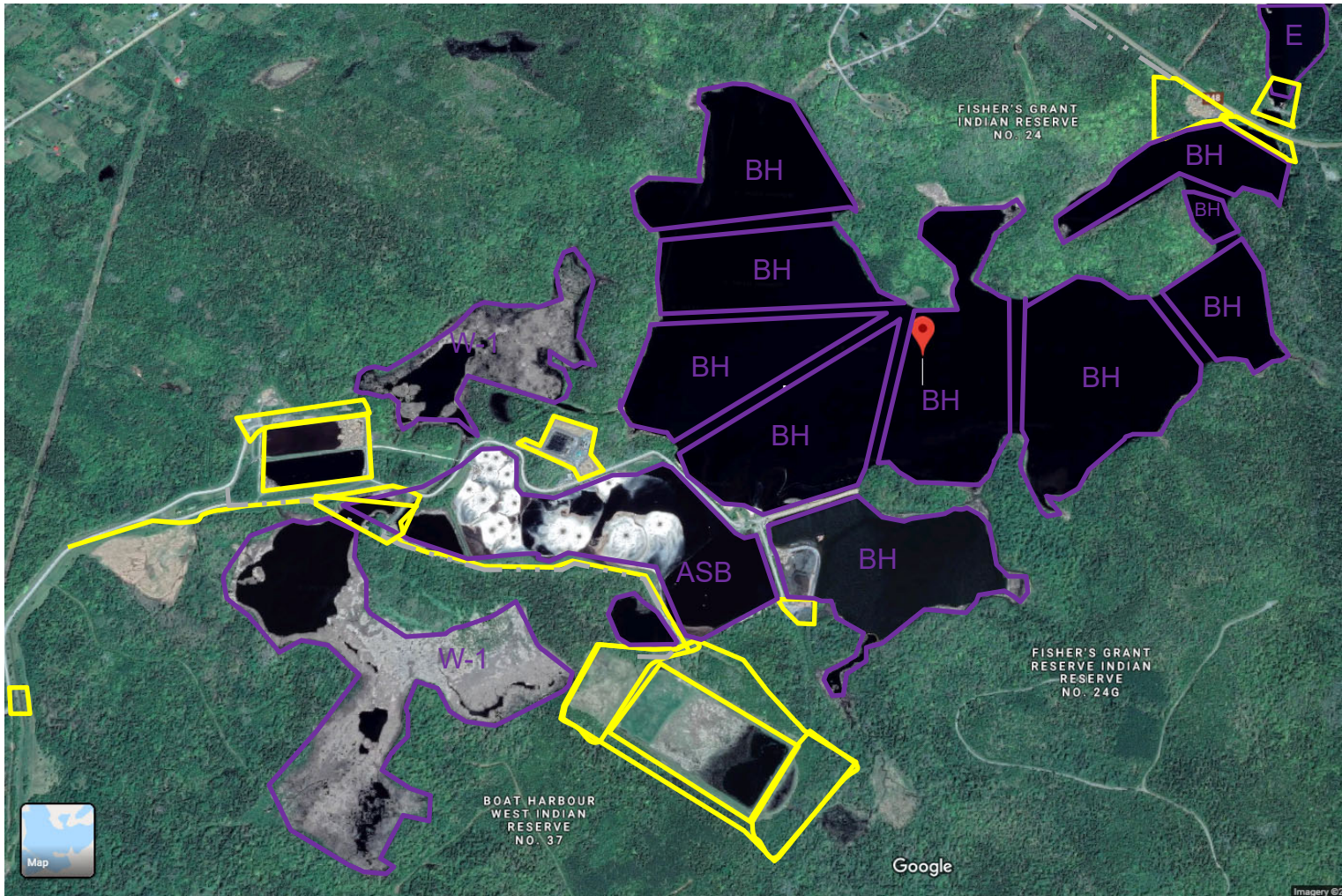




Infrastructure (in Yellow)

- 1) Main entrance
- 2) Wheel wash and settling basin (2a)
- 3) Shaw span/culvert installation for improved access to containment cell
- 4) Pilot area, potential compost area
- 5) Containment cell construction and laydown areas (5a) and Stormwater Pond (5b)
- 6) Pilot area used for launching equipment and for entry/exit of dredging forcemans
- 7) Contingency water management area.
- 8) Cofferdam construction area to provide isolation for causeway removal, as well as a primary barrier for any release of sediment (with causeway and dam providing secondary and tertiary containment barriers) and area for Bridge construction
- 9) Dam removal area.

Boat Harbour
Remediation
Staging Plan



Areas for Remediation (in Purple)

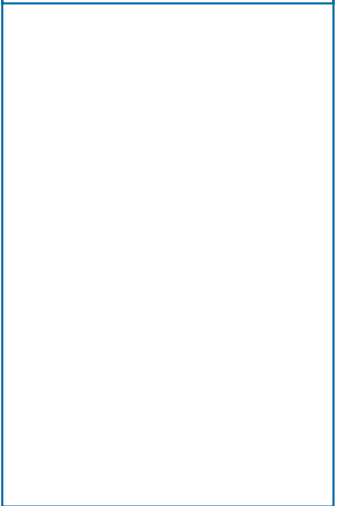
Wetland Remediation at Area W-1

- a) Clean material to compost (area 4)
- b) Other material to containment cell

Wetland Remediation at Area W2, including former settling pond 2, up to new Culvert/Shaw Span

Remediation of ASB

Remediation of Boat Harbour (BH) and Estuary (E)



Boat Harbour
Remediation
Staging Plan

EIS Document Overview

Sec.	Title	Sub. Sec.	Title
NA	Executive Summary		
1	Introduction and Overview	1.1	The Proponent
		1.2	Project Overview
		1.3	Project Location
		1.4	Regulatory Framework and the Role of Government
2	Project Justification and Alternatives Considered	2.1	Purpose of the Project
		2.2	Alternative Means
		2.3	Alternative Means by Project Component
3	Project Description	3.1	Project Components
		3.2	Project Activities
4	Public Participation and Concerns	4.1	Persons and Organizations Consulted With
		4.2	Methods of Communication and Consultation
		4.3	Distribution of Information and Materials
		4.4	Consideration of Key Issues Raised
		4.5	Addressing Outstanding Issues and Ongoing Consultation



EIS Document Overview

Sec.	Title	Sub. Sec.	Title
5	Engagement with the Mi'kmaq of Nova Scotia and Concerns Raised	5.1	Informal Consultation and Community Engagement Prior to the Initiation of the Federal Environmental Impact Assessment Process
		5.2	Formal Consultation Prior to CEA Agency/IAAC Notice of Determination of Requirement for Federal Environmental Impact Assessment
		5.3	Engagement with the Mi'kmaq of Nova Scotia and Concerns Raised During the Federal Environmental Impact Assessment
		5.4	Consideration of Key Issues Raised
6	Impacts to Potential or Established Aboriginal or Treaty Rights	6.1	Identifying Potential or Established Aboriginal or Treaty Rights
		6.2	Use and Importance of Lands and Resources for Traditional Purposes
		6.3	Land Management, Use, and Planning
		6.4	Potential Adverse Effects on Potential or Established Aboriginal or Treaty Rights (includes direct, residual, and cumulative impacts)
		6.5	Accommodations for Potential Effects on Aboriginal and Treaty Rights
		6.6	Residual Impacts of the Project on PLFN's Aboriginal or Treaty Rights



EIS Document Overview

Sec.	Title	Sub. Sec.	Title
7	Effects Assessment	7.1	Baseline Assessment
		7.1.1	Valued Components
		7.1.2	Atmospheric Environment
		7.1.3	Geology, Geochemistry and Soil
		7.1.4	Groundwater and Surface Water
		7.1.5	Riparian, Wetland and Terrestrial Environments
		7.1.6	Aquatic Environments
		7.1.7	Migratory Birds
		7.1.8	Species at Risk Act Listed Species
		7.1.9	Mi'kmaq of Nova Scotia
7.1.10	Human Environment		

EIS Document Overview

Sec.	Title	Sub. Sec.	Title
7	Effects Assessment	7.2	Environmental Effects Methodology
		7.2.1	Project Boundaries
		7.2.2	Thresholds for Characterizing and Determining Significance of Effects
		7.2.3	Anticipated Project Environment Interaction
		7.2.4	Effects Prediction
		7.2.5	Mitigation Measures
		7.2.6	Residual Effects and the Determination of Significance



EIS Overview – Section 7.3 (VCs)

- 7.3.1 - Air Quality & Odour
- 7.3.2 - Greenhouse Gases (GHGs)
- 7.3.3 - Noise
- 7.3.4 - Light
- 7.3.5 - Geology, Geochemistry, and Soil
- 7.3.6 - Groundwater
- 7.3.7 - Surface Water
- 7.3.8 - Terrestrial Habitat & Vegetation
- 7.3.9 - Wetlands
- 7.3.10 - Mammals & Wildlife
- 7.3.11 - Marine Environment
- 7.3.12 - Fish & Aquatic Habitat
- 7.3.13 - Migratory Birds
- 7.3.14 - Species At Risk
- 7.3.15 - Mi'kmaq of Nova Scotia
- 7.3.16 - Economic and Social
- 7.3.17 - Archaeological/ Cultural Heritage Resources
- 7.3.18 - Human Health



EIS Overview – Section 7.3 (VCs)

Each VC under Section 7.3 has the following:

- Boundaries
- Standards or Thresholds for Determination of Significance
- Project Activities and VC Interactions and Effects and Mitigation Measures for:
 - Waste Management
 - Dredging
 - Wetland Interaction
 - Bridge at Highway 348
 - Pipeline Decommissioning
 - Treatment Buildings
 - Dam
- Monitoring
- Significance of Residual Effects



EIS Document Overview

Sec.	Title	Sub. Sec.	Title
7	Effects Assessment	7.4	Other Effects to Consider
		7.4.1	Effects of Potential Accidents or Malfunctions
		7.4.2	Effects of the Environment on the Project
		7.4.3	Cumulative Effects Assessment
8	Summary of Environmental Effects		Summary of Environmental Effects
9	Follow-up and Monitoring Programs	9.1	Follow-up Programs
		9.2	Monitoring Programs



EIS Document Overview – Section 5

Section 5.1 Informal Engagement Prior to Notice of Environmental Assessment Commencement (April 10/19)

- Identification, Preservation and Protection of Mi'kmaq Burial Grounds
- Community Focus Groups on Future of Boat Harbour
- Community Liaison Coordinator
- Boat Harbour Cleanup Committee
- Strategic Planning Support
- Community Meetings
- Boat Harbour Environmental Advisory Committee
- Land Use Planning and Future Site Use
- Cultural Awareness and Engagement
- Training and Opportunities
- Independent Air Monitoring Contractor
- Consultation on Pilot Scale Testing
- Assessment of Wetlands
- Communications Materials
- Summary of Issues Raised and Actions



EIS Document Overview – Section 5

Section 5.2 Formal Consultation Prior to Notice of Environmental Assessment Commencement (April 10/19)

- Prior to CEA Agency Notice of Determination on February 22, 2019, formal s. 35 Aboriginal and Treaty rights consultation on this Project was initiated in April 2018 by the Province. Terms of Reference - Mi'kmaq-Nova Scotia-Canada Consultation
 - formal correspondence to all Nova Scotia First Nations on April 18, 2018, no response from other FNs
 - Basis of consultation were the remedial options (as of early 2018) for the project elements
 - Meeting convened with NS Lands/GHD and PLFN on April 19, 2018
- PLFN formal correspondence received by NS Lands on May 29, 2018
- NS Lands analysis presented to Executive Council August 2018
- Executive Council decision and direction given August 2018
- NS Lands provided formal correspondence to PLFN on August 23, 2018, answering the May 29, 2018 PLFN correspondence
- Executive Council direction formed the basis of the concept for the Project Description accepted by CEAA in January 2019
- Table provides a recap of (a) May 29, 2018 PLFN letter – (b) August 23, 2018 NS Lands Response – © Subsequent Follow up and Additional Information



EIS Overview – Section 5

Section 5.3 Formal Consultation During Environmental Assessment

- Mi'kmaq NS consulted
- Engagement Activities Undertaken
- BHCC/BHEAC/CLC
- Community Meetings – A'se'k Socials, Pipeline Remediation, Community Air Monitoring
- MEKS
- PLFN Open Houses, Aug & Dec 2019
- Well Being Baseline Study
- Pipeline Decision
- Bridge By-Pass Decision
- Issues Raised by PLFN and NS Lands Responses
- Ongoing Consultation



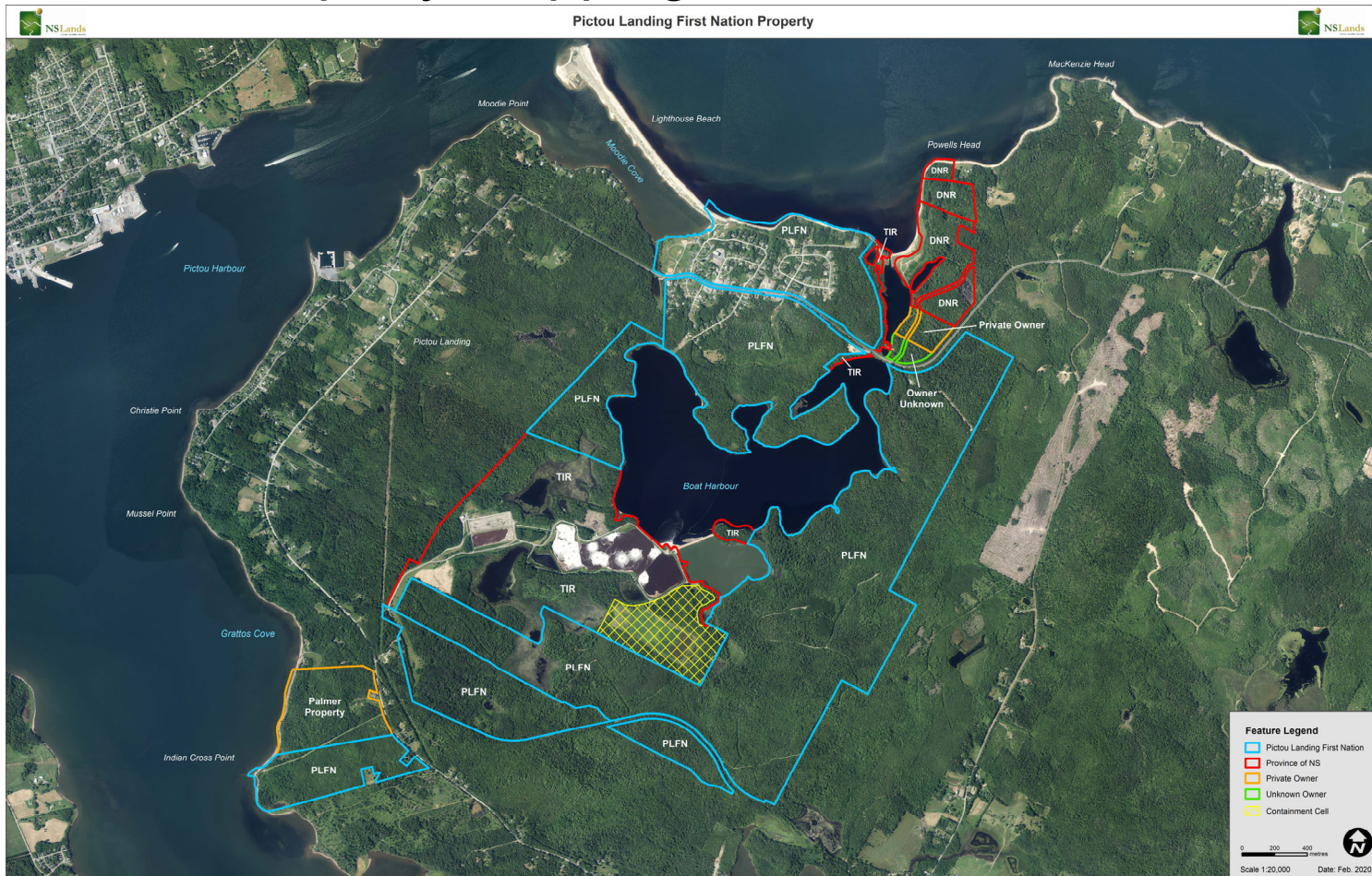
EIS Document Overview – Section 6

Impacts to Potential or Established Aboriginal or Treaty Rights

- Identifying Potential or Established Aboriginal and Treaty Rights
- Land Management, Use, and Planning – land transfers undertaken, committed and contemplated
- Potential Adverse Effects on Potential or Established Aboriginal or Treaty Rights, including Containment Cell, Wetlands and Wellbeing Study
- Accommodations for Potential Effects on Aboriginal and Treaty Rights
- Residual Impacts of the Project on PLFN's Aboriginal or Treaty Rights
- Historical relationship of PLFN with A'se'k explored, Wellbeing Study and MEKS referenced
- Acknowledged 1967 impacts on PLFN treaty rights and land use
- Accommodations re containment cell - to provide PLFN with more available land:
 - Baker Estate – 66 acres
 - TIR – about 200 acres
 - Other – 86 acres
- Accommodations re wetlands – addressed through HHERA outcomes



PLFN A'se'k Property Mapping



SUMMARY OF EFFECTS



Incorporation of MEKS and Well-Being Information into EIS

- By-Pass
- Pipeline removal
- Enhanced containment cell
- Culturally sensitive destruction of fish
- Return to tidal including wetlands (western end of A'se'k)
- Exposure scenarios selection for HHERA
- Mitigation measures – Best Management Practices for Air, Dust, Noise, Light, Health & Safety, etc.
- Land use plan and transfers (pending)
- Job creation – pilot scale and air monitoring
- Technical training and trades training
- Climate change resilience in design
- Spatial and temporal boundaries



Summary of Effects

Valued Component Affected	Project Activities	Potential Effects (Positive/Negative)	Proposed Mitigation	Residual Effect	Significance of Residual Adverse Effect
Mi'kmaq of Nova Scotia	<ul style="list-style-type: none"> Waste Management Dredging Wetland Management Bridge at Highway 348 Pipeline Decommissioning 	<ul style="list-style-type: none"> Contaminant removal to promote natural restoration Job creation Temporarily increased traffic volumes Temporarily increased air, noise, and light emissions Potential effects on residents in close proximity and/or water sources in the event of an accident or spill when transporting leachate 	<ul style="list-style-type: none"> Traffic, noise, light, and air mitigation measures Ensuring regulatory compliance in transporting Dangerous Goods Appropriate transport equipment/truck used to transport leachate Adequate driver training and training in accident or malfunction protocols All Accommodations described in the EIS (Section 6.5) to restore Aboriginal and Treaty Rights 	<p>Positive: Contaminant removal and job creation</p> <p>Negative: Negligible to minor disturbance to local residents</p>	Not Significant

MONITORING



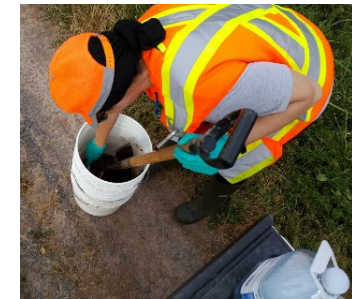
Monitoring Before and After Remediation

Preliminary monitoring plans have been developed as part of the EIS. The monitoring plans will be further developed upon federal approval of the EA.

As per the Environmental Impact Statement (EIS) guidelines, the Mi'kmaq of Nova Scotia will be engaged in monitoring, where appropriate, including but not limited to monitoring of:

- Air quality and odour
- Wetlands
- Archaeological/Cultural Heritage Resources

As committed to in the EIS, the results of monitoring will be documented and where appropriate made available for review.



EIS Appendices

- Appendices will be posted on IAAC website
 - MEKS
 - Well-Being Study



Part 3 - Schedule & Other Business

Environmental Impact Statement

- March 2020

Information requests and additional Studies

- Through 2020

IAAC Decision

- Early 2021

If approved, cleanup to start

- Late 2021



www.ghd.com

From: Swain, Ken <Ken.Swain@novascotia.ca>
Sent: Friday, February 21, 2020 1:24 PM
To: Brian Hebert
Cc: Swaine, Angela; Andrea Paul
Subject: Query from Today's Meeting re EIS

Hi Brian, you asked whether the containment cell is included in the lands contemplated to be transferred pursuant to the 1996 OIC.

The Text of OIC 96-621 dated August 14, 1996 is as follows:

The Governor in Council on the report and recommendation of the Minister of Transportation and Public Works dated July 17, 1996, pursuant to Section 11 of Chapter 452 of the Revised Statutes of Nova Scotia, 1989, the Surplus Crown Property Disposal Act, and to all other powers vested in him by virtue of his office, is pleased to: (a) ratify and confirm the agreements entered into with Scott Maritimes Limited, now Kimberly-Clark Canada Limited, for the transfer of all operating responsibility for the Boat Harbour effluent treatment facility from the Province to Kimberly-Clark for a maximum period of 10 years, and the renewal for a further period of 25 years of the agreement between the Province and Kimberly-Clark for the supply of water to the Kimberly-Clark Abercrombie Point Pulp Mill, on the terms and conditions attached to and forming part of this report and recommendation as Schedule "A" to this agreement; and (b) authorize the Minister of Transportation and Public Works to transfer such portion of the Boat Harbour effluent treatment facility lands as the Minister deems appropriate at no charge to the Pictou Landing Mi'kmaq Band, or to the federal Department of Indian Affairs and Northern Development for the benefit of the Band, when the lands are no longer required for the operation of the effluent treatment facility, or at such sooner time as the Minister deems appropriate so long as any earlier transfer is on such terms and conditions as do not interfere with the continued operation of the effluent treatment facility for the duration of the operating agreement with Kimberly-Clark Canada Limited, and such additional time as is required to perform clean up operations.

So the specific reference of the authorization is to "to transfer such portion of the Boat Harbour effluent treatment facility lands".

The Boat Harbour Effluent Treatment Facility, as defined, does not include the containment cell, so that portion of the property is not covered by the authorization to transfer as laid out in the OIC above.

Hope that answers your question.

Ken