



Impact Assessment
Agency of Canada

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October 8, 2021

Sent by E-mail

Ken Swain
Project Leader
Nova Scotia Lands Inc.
Halifax, NS Canada
Email: Ken.Swain@novascotia.ca

Dear Ken,

SUBJECT: Boat Harbour Remediation Project – Information Requirements, Round 1 - Part 4

The Impact Assessment Agency of Canada (Agency) has determined that additional information is required to complete the technical review of the Environmental Impact Statement (EIS) and associated EIS Summary for the proposed Boat Harbour Remediation Project, as per the information requirements (IRs) attached.

The responses to IRs may be in a format of your choice; however, the format must be such that the responses to individual IRs can be easily identified. You may wish to discuss certain IRs with the Agency or other government experts, as necessary, to obtain clarification or additional information, prior to submission of the responses. Working directly with government experts in this manner will help to ensure that IRs are responded to satisfactorily. The Agency can assist in arranging meetings with government experts, at your request.

The IRs and your responses will be made public on the Canadian Impact Assessment Registry Internet site: <https://iaac-aeic.gc.ca/050/evaluations/proj/80164>.



Please confirm receipt of this message and contact me if you require further information.

Sincerely,
<Original signed by>

Lachlan Maclean
Project Manager – Atlantic Regional Office
Impact Assessment Agency of Canada

Cc: Chief Andrea Paul – Pictou Landing First Nation
Stephen Zwicker – Environment and Climate Change Canada
Sean Wilson – Fisheries and Oceans Canada
Jason Flanagan – Transport Canada
Dae Young Lee – Health Canada
Bridget Tutty – Nova Scotia Environment
Beth Lewis – Office of L'nu Affairs

Attachment 1 - Information Requirements for the Boat Harbour Remediation Project, Round 1 – Part 4,
October 8, 2021

**Boat Harbour Remediation Project
Information Requirements for the Environmental Impact Statement Review
Round 1 – Part 4, October 8, 2021**

INTRODUCTION

The Impact Assessment Agency of Canada (the Agency) is continuing its technical review of the Environmental Impact Statement (EIS) and associated EIS Summary for the proposed Boat Harbour Remediation Project. The Agency’s review is supported by submissions from government experts, Pictou Landing First Nation (PLFN), and an External Technical Review. The Agency determined that information is required, as per the information requirements (IRs) below.

ACRONYMS AND SHORT FORMS

CEAA 2012	<i>Canadian Environmental Assessment Act, 2012</i>
EIS	Environmental Impact Statement
HHERA	Human Health Ecological Risk Assessment
IAAC	Impact Assessment Agency of Canada
IR	Information Requirement
PLFN	Pictou Landing First Nation

ATTACHMENT 1: INFORMATION REQUIREMENTS FOR THE BOAT HARBOUR REMEDIATION PROJECT (ROUND 1, PART 4)

IR Number	External Reviewer ID	Reference to EIS Guidelines	Reference to EIS	Context and Rationale	Specific Question/Information Requirement
EIS General Comments					
IAAC-78	PLFN	Part 2, Section 7.3.7	EIS, Section, 7.1.6	<p>The EIS Guidelines require a description and analysis of how changes to the environment caused by the Project will affect the Mi'kmaq of Nova Scotia.</p> <p>Section 7.1.4.1 of the EIS states that numerous treatment buildings would be decommissioned and demolished, and footing and foundations left buried. However, there is no discussion regarding whether leaving below grade infrastructure in place would impact the future use of the site by PLFN.</p> <p>This information is needed to better understand potential impacts of the Project on the ability of PLFN members to practice their traditional activities.</p>	Describe how leaving the infrastructure below grade could impact the ability of PLFN to use the area after remediation and describe how any identified impacts would be mitigated.
Human Health Ecological Risk Assessment (HHERA)					
IAAC-79	PLFN	Part II: 7.5. Significance of residual effects	<p>HHERA (EIS- Appendix A) Section 3 Selection of Screening Criteria (p.26-27)</p> <p>HHERA (EIS- Appendix A) Section 4.4.2.4 Discussion (p.90)</p>	<p>The EIS Guidelines requires clear and sufficient information to enable the Agency, government reviewers, the Mi'kmaq of Nova Scotia, and the public to review the proponent's analysis of the significance of effects.</p> <p>Section 3 of the Human Health and Ecological Risk Assessment report (HHERA – Appendix A of the EIS) presents a hierarchy of chemical concentration limits or guidelines used in the study. However, it is not clear how the hierarchy is applied.</p> <p>In addition, Section 4.4.2.4 of the HHERA states “<i>While the maximum concentrations of several other chemicals in sediments triggered exceedances of sediment quality guidelines, these guidelines are very conservative and based on, at best, toxicity to benthic invertebrates, not plants. Thus, exceedance is not evidence of toxicity, much less toxicity to plants.</i>” This statement is confusing and seems to create the impression that the guidelines are not useful or relevant.</p> <p>A clear understanding of how guidelines are applied to different chemicals and environmental components is needed for PLFN to better understand and provide input on potential impacts to the health of their community.</p>	Provide a clear description of which guidelines were used and applied to different chemicals and environmental components in the HHERA.
Drinking Water					
IAAC-80	PLFN	Part 2, Section 7.3.7	EIS, Section 2.2.1.1	<p>The EIS Guidelines require a description and analysis of how changes to the environment caused by the Project will affect the Mi'kmaq of Nova Scotia.</p> <p>Section 2.3.7.1 of the EIS states “<i>Temporary water supply service would be required during causeway removal and bridge construction activities. Upon completion of bridge construction, permanent water supply services would be reinstated. Permanent water supply services will be conveyed suspended from the bridge, and will require continual electric power source/supply for heat tracing.</i>”</p> <p>The specifics of the temporary service were not described, including potential impacts to the community during connection, which season the temporary water supply service would be required, etc.</p>	<p>Provide additional details on how the temporary water supply service will operate, including:</p> <ul style="list-style-type: none"> the estimated timeframe that the community will rely on a temporary water supply; the time of year that the temporary water supply will operate; and any potential impacts to the community during connection. <p>Clarify whether the permanent piping across the bridge was designed to incorporate future community growth, including the potential need for additional pipelines.</p>

IR Number	External Reviewer ID	Reference to EIS Guidelines	Reference to EIS	Context and Rationale	Specific Question/Information Requirement
				<p>There is insufficient detail regarding the reinstatement of permanent water supply services across the replacement bridge. The community is in a growth phase and there is concern as to whether the bridge design will allow for additional pipelines, if required.</p> <p>This information is needed to better understand potential changes to PLFN's drinking water supply, which can impact PLFN's health and socio-economic well-being.</p>	
Surface Water and Groundwater					
IAAC-81	PLFN	Part 2, Section 3.1	EIS, Page 89: Table 7.1-17 EIS, Page 7-15; Table 7.1-6 and 7.1-7	<p>The EIS Guidelines require information about the management of proposed control, collection, treatment, and discharge of surface drainage and groundwater seepage to the receiving environment from all key components of the project infrastructure, including sludge disposal cell effluent.</p> <p>In Section 7.1.3.2 of the EIS, Figure 7.1-5 indicates that the overburden in the containment cell area is only 5 meters thick, with the water level between 2 and 4 meters below ground surface. Based on this information, the existing waste in the containment cell could potentially be in contact with groundwater. However, there is no assessment on the potential impact of the base of the new liner being in contact with groundwater.</p> <p>In addition, it is unclear how groundwater would be managed during the excavation and transportation of existing sludge from the containment cell.</p> <p>This information is needed to better understand potential changes to groundwater and surface water from the Project, which can impact PLFN's health, fish and fish habitat, and the marine environment.</p>	<p>Clarify, with supporting rationale, if the base of the liner for the containment cell could come into contact with groundwater. If so, describe the potential impacts and provide any required mitigation measures.</p> <p>Describe how the groundwater will be managed in the existing containment cell during the excavation and transportation of existing sludge from the containment cell.</p>
Alternatives Assessment					
IAAC-82	PLFN IAAC	Part 2, Section 2.2 Part 2, Section 5.0	EIS, Section 2.2.1.1 Identification of Alternative Means EIS, Section 2.2.1.2.1 Waste Management Remedial Option Decision Document (GHD 2018), Section 4	<p>The EIS Guidelines require the proponent to identify and consider the effects of alternative means of carrying out the project, and to provide an analysis of alternative means of meeting the project purposes or objectives that considers environmental effects as per the <i>Canadian Environmental Assessment Act, 2012</i> (CEAA 2012). The Agency's Operational Policy Statement on Addressing "Purpose of" and "Alternative Means" under CEAA 2012 states that the approach and level of effort applied to addressing alternative means is established on a project-by-project basis taking into consideration the level of concern expressed by Indigenous groups or the public. The EIS Guidelines also require the proponent to assess the effects of changes to the environment on Indigenous peoples, including potential impacts to Aboriginal and treaty rights, and to engage with PLFN, to obtain their views on potential adverse impacts of the project on potential or established Aboriginal or Treaty rights, in respect of the Crown's duty to consult, and where appropriate, accommodate them.</p> <p>PLFN has informed the Agency and the proponent that they do not support the use of the existing containment cell as the permanent storage facility for the remediated materials. PLFN owns a 29.14 hectare land parcel, located approximately seven kilometres west of New Glasgow. PLFN identified this parcel as a potential alternative location for the containment cell and provided this information to the proponent for review.</p> <p>This information is required to ensure that the assessment of alternative means was sufficient to allow the evaluation and the selection of the preferred alternative for waste management and increase the Agency's understanding of the potential effects of the Project, including potential impacts to Aboriginal and treaty rights.</p>	Provide an analysis of the technical and economic feasibility of the alternative containment cell location proposed by PLFN. The analysis should consider factors such as environmental impacts, cost, regulatory requirements, timing, risk, public concerns, and impacts to PLFN. Sufficient information should be provided to support any assumptions or conclusions made in the analysis. Provide PLFN the opportunity to comment on the analysis and clearly demonstrate how comments were addressed.