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Ken Swain:

In April 2019, the environmental assessment (EA) process under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) for the Boat Harbour Remediation Project (the Project) was initiated. In November 2020, Build Nova Scotia (formerly Nova Scotia Lands) provided an Environmental Impact Statement that conformed with the requirements of the Environmental Impact Statement Guidelines to the Impact Assessment Agency of Canada (IAAC).

Under CEAA 2012, IAAC must complete the EA within 365 days. However, I understand that Pictou Landing First Nation (PLFN) has expressed opposition to the proposed vertical expansion of the containment cell for the storage of waste; a key component of the Project.

During the EA process, several meetings between IAAC, the Province of Nova Scotia, and PLFN have occurred to discuss this opposition. During IAAC's technical review of the Environmental Impact Statement, IAAC arranged for a third-party External Technical Review to be conducted of the alternatives assessment and containment cell design. Based on the results of the External Technical Review and reviews by IAAC, PLFN, and relevant federal and provincial authorities, two rounds of Information Requirements were issued. One of the items required the assessment of an alternative disposal site proposed by PLFN. On February 7, 2024, Build Nova Scotia responded by stating that the proposed alternative was not a suitable site.

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PLFN submitted a document to IAAC on April 25, 2024, re-stating their opposition to the use and vertical expansion of the containment cell. The document provided information about the history of Boat Harbour, PLFN's assertion of Aboriginal title to the lands surrounding Boat Harbour, and previous agreements, including the June 16, 2014 Agreement in Principle between the Province of Nova Scotia and PLFN on the remediation of Boat Harbour. PLFN states that the Province of Nova Scotia unilaterally opted to use the existing containment cell and that it was not adequately consulted on this matter.

Having considered the complexity of these circumstances, I have decided, pursuant to subsection 27(3) of CEAA 2012, to extend the time limit for making the decisions for the Project by 90 days.

The extended time limit will provide the additional time to complete the remaining steps of the EA process, including:

- allow discussion on PLFN's continued opposition to the long-term storage of hazardous waste on site;
- ensuring meaningful consultation with PLFN;
- incorporating the outcome of these discussions into the analysis of environmental effects and consultation steps with PLFN;
- finalizing the draft Environmental Assessment Report (EA Report) and potential conditions;
- conducting the 30-day comment period on the draft EA Report and potential conditions;
- finalizing the EA Report and potential conditions based on the comments received during the comment period; and
- making my decision pursuant to section 52(1) of CEAA 2012 as to whether the Project is likely to cause significant adverse environmental effects.

A notice of the time limit extension will be posted to the Canadian Impact Assessment Registry in the coming days.

Should you have any questions regarding the EA process, please contact Mike Atkinson, Regional Director for IAAC, at Mike.Atkinson@iaac-aeic.gc.ca or 902-877-4404.

Sincerely,

<Original signed by>

The Honourable Steven Guilbeault, P.C., M.P. (il/lui/he/him)