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Dear Sir or Madam and Ministers:

Please be advised we represent the Harbour Authority of Caribou (hereafter the "Authority"), Pictou County, Nova Scotia. Located at the mouth of Caribou Harbour the Authority operates the busiest fishing port in Northern Nova Scotia. It is the hub of fishing activity from April to early December each fishing season. It is accessed via the 106 branch of the Trans-Canada Highway and is adjacent to the Northumberland Ferries terminal. The facility managed by the Authority is the 'heart' of the commercial fishing industry in northern mainland Nova Scotia.

The Authority has retained our firm to express its grave concerns regarding Northern Pulp's proposed new treatment facility, which includes an effluent pipe to discharge an

estimated minimum of 62 million liters per day, into the mouth of Caribou Harbour. The Authority's position is that the Northern Pulp's proposal fails to adequately address and in some cases completely fails to address various environmental and navigational concerns which could cause both short and long term harm to the facilities managed by the authority as well as its patrons.

Of major concern is that Northern Pulp's associated effluent will be harmful to the receiving waters of the Northumberland Strait and its marine life habitat. Northern Pulp is considered to be among the 70% of Canadian mills whose effluent has been proven harmful to the receiving waters into which it discharges. I will outline herein several of the Authority's major concerns with Northern Pulp's current proposal.

1. Northern Pulp's current proposal (section 8.11.2.4) confirms that there has been no testing completed with respect to the water composition of Caribou Harbour. Instead Pictou Harbour was used as a proxy for Caribou Harbour with respect to water quality. There is no explanation as to why water quality data for Caribou Harbour was "unavailable". The Authority views such an assumption on water composition as entirely inadequate. There are major distinctions between the two harbours which makes such an assumption tenuous at best. Pictou Harbour has been exposed to sewage from the Town of Pictou and other municipalities for over 200 years. In addition industrial waste from a ship yard, pulp mill, power plant, tire plant and many other businesses has been discharged into Pictou Harbour for over a century. Pictou Harbour also has three major feeding tributaries and Caribou Harbour only has one much smaller tributary. Caribou Harbour's water chemistry is potentially drastically different in comparison to Pictou Harbour.

In the Authority's opinion the assumption and lack of data falls far short of federal and provincial regulatory requirements under legislation such as the Pulp and Paper Effluent Regulations (PPER), the Fisheries Act, the Disposal at Sea Regulations under the Canadian Environmental Protection Act, 1999 (CEPA), and DFO's Measures to Avoid Causing Harm to Fish and Fish Habitat (DFO 2014). The Authority submits that this lack of data and other aspects of Northern Pulp's environmental assessment indicate a 'rushed job' and which lacks substance.

2. The Northern Pulp proposal relies on a receiving water study prepared by Stantec. This study indicates that there will be minimal flow of effluent discharge into Caribou Harbour. The Authority's position is that the methodology used to make this erroneous determination is subpar and inadequate. A significant volume of water from the discharge location flows into Caribou Harbour on a rising tide. The patrons of the Authority will attest to the "allusion" of a rising tide at the proposed discharge point going mainly northwest, when this in fact, is false.

3. Section 6.5 of Northern Pulp's proposal suggests that fishermen have offered "no input to the outfall location". The Authority has been advised by its fisherman patrons that this is a false statement and that Northern Pulp's representatives were informed the

entire area outlined and presented to the fishermen of Caribou Harbour, including the pipe route and outfall, is fished at one point or another throughout the year.

4. The Authority is very concerned that its patrons (both commercial and recreational) will have their navigational abilities under *Navigational Protection Act* restricted. This has simply not been addressed adequately in Northern Pulp's proposal. As previously noted herein the patrons of the Authority, in particular seventy (70) plus commercial fishermen, navigate directly across the path of the proposed pipe route in Caribou Harbour, on a daily basis, during regular fishing seasons of lobster, crab, herring and scallop seasons spanning April through November. Fishermen fishing north, northwest and west of the mouth of Caribou Harbour exit the marked channel between the third and fourth red buoys depending on destination daily – saving individual fishermen hundreds of miles of travel and reducing fuel consumption and reducing emissions. There appears to be a general lack of attention paid to these concerns. The Authority's position is that all navigation concerns must be addressed satisfactorily prior to any approval and not be left to be "figured out later".

5. The general consensus among the local fishermen and supported by the Authority is that proposed construction (highlighted on page 14, in appendix F of the proposal) will be insufficient to prevent ice damage. The Authority's experience is that a winter storm from the northeast shifts ice dramatically at mouth of Caribou Harbour. The ice piles up in the shallow water along the proposed pipe route, near the mouth of the harbour in excess of 5 meters. The silt and sand in this area is a 'moving bar' and the Authority does not believe that two (2) meters of pipe cover on this soft bottom is sufficient. A proper assessment would have to monitor the conditions of the ice over more than one winter season. As well an in-depth survey will be required as the density and hardness of the bottom varies dramatically, which will no doubt require further study to prevent pipe fatigue and stress cracking.

6. The dredging of Caribou Harbour in 2007, along the passenger ferry channel, required a Federal Assessment, as did the 2015 upgrading of PEI-New Brunswick Cable Interconnection Upgrade Project. Given that Northern Pulp proposes the dredging and installation of equipment in the same body of water the Authority's position is that this project contains all the criteria for a Federal Environmental Assessment as did the previous mentioned projects, as it pertains to section 67 of the CEAA 2012 Act. Section 67 of CEAA 2012 sets the framework for the environmental assessment of projects being carried out on federal land that are not considered designated projects and for which a full environmental impact assessment under the Regulations Designating Physical Activities is not required. As the seabed of the Northumberland Strait is federal crown land it is subject to requirements under section 67 of CEAA. Section 67 states as follows:

.....an authority must not carry out a project on federal lands, or exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that could permit a project to be carried out, in whole or in part, on federal lands, unless:

- (a) The authority determines that the carrying out of the project is not likely to cause significant adverse environmental effects; or
- (b) The authority determines that the carrying out of the project is likely to cause significant adverse environmental effects and the Governor in Council decides that those effects are justified in the circumstances under subsection 69(3).'

Based on the above the Authority's position is that this project is subject to review by a federal authority in order to determine whether the carrying out of the project will cause significant adverse effects on the surrounding environment, or if any potential significant adverse effects are justifiable.

The Authority requests that Northern Pulp's Effluent Treatment Project be designated a project for Federal Environmental Assessment under Section 14 of the Canadian Environmental Assessment Act (CEAA) 2012.

Please accept the Authority's legitimate concerns and address this crucial matter appropriately.

Yours truly,
MACISAAC CLARKE & DUFFY

B. CRAIG CLARKE

cc Client