

PO Box 1876
Pictou NS

Dear Premier Stephen McNeil and Minister for the Environment Gordon Wilson,

I am writing in relation to Northern Pulp's Focus Report for their Replacement Effluent Treatment Facility project.

My name is Terry Dunbrack. I grew up in Pictou, moved to Halifax in 1991 and then moved back home in 2005. I have followed and been very involved in most things related to Northern Pulp since 2013. I am one of the admins/moderators for the Clean Up the Pictou County Pulp Mill facebook page.

I responded to Northern Pulp's EA submission and I don't feel all of my concerns were actually addressed. Looking at their responses in concordance to other questions, I get the sense that others weren't either. Seeing an answer like "This question will be relayed to NSE" is not an answer to a question, it's sending the question somewhere else and whatever the results of that question/concern being sent to NSE does not show up in the focus report.

The first point I want to make is on Northern Pulp's failure to adequately go through the process for filing their EA submission as well as their response to the focus report. Public engagement is a key component to the process. The open houses that Northern Pulp had in 2017 presented a plan to pump the effluent into the mouth of Pictou Harbour and their ETF proposal material showed that an oxygen delignification system would be part of the process. I expressed concerns during the consultation process that there were no public information sessions in Pictou - the largest community who would be affected by the effluent being discharged at the mouth of Pictou Harbour. Northern Pulp completely changed their pipe route and submitted their ETF proposal that did not include an oxygen delignification system without a public consultation open house to explain their changes. Therefore anyone who attended the previous sessions were misled going into the submission portion of the process into believing a different plan was being put forward. It was bad enough that there had not been a session in Pictou or anywhere else that had shown that the pipe would traverse Pictou's watershed. People in Caribou who did not know the plan would be to pump the effluent into their front yard were suddenly dealing with needing to play catch up with understanding how the plans in the 1700 page submission would affect them.

On page one, it reads, "NPNS proposes to build a new replacement ETF to facilitate and support the Province's rehabilitation of A'se'k (Boat Harbour)." Northern Pulp do not support the province's plan to rehabilitate A'se'k. Asking for an indefinite extension that

ignores the province's legislated deadline of Jan 31, 2020 impedes the province's plans for the rehabilitation of A'se'k (Boat Harbour).

With the Focus Report, the instructions included keeping key stakeholders aware of information being gathered. In September, the fishers association expressed concern over not being kept in the loop. A couple days before NP announced they were submitting their Focus Report response, they did an information dump without giving stakeholders adequate time to process the information. That goes against the intent of the Focus Report's direction on stakeholders. Northern Pulp gives their consultation engagement level a mark from medium to high involvement. Correct information and timeliness must not have been included in that assessment.

Northern Pulp have 14 failed air emissions tests, 2 Ash slurry spills, 8 directives, 5 ministerial order and 2 warning reports. They were put on Canada's Environmental Offenders Registry for their 47 Million Litre effluent leak in 2014 and their present Industrial Approval says they have to have a flow monitoring system in place to indicate if there were another leak. In October 2018 another major leak was only discovered when someone was walking their dog in the woods - not by any leak detection monitoring system that Northern Pulp put in place. That is currently under investigation.

Section 7 of the mill's industrial Approval states that:

d) The Approval Holder shall monitor flow at Point A, the end of the effluent transmission pipe, on a continuous basis. This data shall be recorded daily and tabulated monthly e) The Approval Holder shall operate and maintain real time flow monitoring equipment at the end of the effluent transmission pipeline which is designed to immediately notify the Approval Holder in the event of a total loss of flow or a reduction of flow below normal operating conditions f) The Approval Holder shall immediately investigate any flow reduction or loss notification received from equipment outlined in Condition 7(e). These incidents, together with the reason for the loss or reduction of flow causing the alarm, shall be recorded and tracked monthly g) The Approval Holder shall immediately notify the Department of a loss or reduction of flow which results or may result in a release of untreated effluent to the environment.

On page 48 of Northern Pulp's Focus report response, it says "Point A flow data would have been used for the design review if the flow meter at that location possessed the accuracy required for the evaluation."

Point A is where the effluent comes out of the pipe and spills into the settling ponds. If Northern Pulp were meeting the terms of their industrial approval, why wasn't there adequate flow monitoring equipment at Point A?

The biggest concern I have with Northern Pulp's plan has to do with their inability to meet the terms of their IA. One of the points that was brought up as a concern by myself and the Town of Pictou was Northern Pulp's plan to pump water over our watershed. In NP's response they said they would use thicker pipes with leak detection capabilities. NP has a proven track record of failing to either prevent leaks or to monitor their pipes adequately. They did not even explore the idea in the context of the concern brought up through their EA application for their ETF to move the pipe route away from our water. I would be concerned with this proposal even if I trusted a company to do what they said they were going to do. Northern Pulp have not done anything to earn that trust.

Where is the accountability for Northern Pulp's inability to meet the terms of their industrial approval? What influence does being placed on Canada's Environmental Offenders Registry have on this ETF proposal? There is a lot of language in both NP's EA submission as well as their Focus Report response that says they 'will' do something or that the details will be laid out in their Industrial Approval. There is even reference to their seeing improvement in air emissions with the adding of an oxygen delignification system and it directs the reader to the appendix 1.0 for 'more details'. In that addendum it states "the future Oxygen Delignification system was considered in the design of the ETF and will be managed as a separate project to be undertaken after the ETF project is completed." There is nothing in the focus report or NP's original EA application that says when this will be added. First of all, I don't really believe this will be added at any point or they would have stated a time frame. Secondly, NP's "using BATEA (Best Available Technology Economically Achievable) principles" tells me that they aren't going to pay for it if they don't have to. If they are granted an IA based on a new ETF that doesn't have the oxygen delig, then those BATEA principles says that either the taxpayer is on the hook or it's not getting installed because they can Economically Achieve the goal of operating without it. And most importantly, if this is a component that isn't part of the current ETF plan, it shouldn't be in the Focus Report because it has nothing to do with what Northern Pulp is planning to build right now. It should have no affect on any decisions. I feel that Northern Pulp are asking for a leap of faith that they have not earned.

From page iv) of the report "Constructing and operating methodologies conducted in a manner consistent with Northern Pulp Environmental Management System (EMS) which incorporates operational policies and practices for monitoring and management of, for example, land and soil resources, air and water, noise and vibration, hazardous materials and waste, community health and safety, and cultural heritage; and Developing and implementing an overall Environmental Management Plan (EMP) and Environmental Protection Plan (EPP) for construction activities that will be included in, and enforced through, construction contracts."

Has Northern Pulp's "Environmental Management System" with its "operational policies and practices for monitoring and management" been in place the entire time that they

have been working under their Industrial Approvals? Was this the practice that led to failing their emissions tests in Dec 2016 and June 2017 while failing one of the 3 stack tests in June 2019 only getting a pass thanks to averaging three tests? Is their "Environmental Management Plan (EMP) and Environmental Protection Plan (EPP)" practices showing up in their receiving a ministerial order on October 10th, 2017 or the Directive issued in February 2018 after the slurry ash leak?

Now we're being asked to trust their plan to move upwards of 85 million litres of effluent per day through Pictou Harbour, across the Town of Pictou's watershed, over various water courses exiting into Caribou Harbour at an as yet undecided location, pumped about 4kms into the Northumberland Strait after passing by Munroe's Island which is part of the province's 12% protected area because of its delicate eco system.

And let's get to that 85 million litres. According to NP's present Industrial Approval, they are supposed to reduce water consumption to 70 million litres a day. In NP's response to the focus report, I see they are using 85 million litres as their standard metric for calculations. A Foipop shows that they are using that amount because of direction they've gotten from NSE. Does this mean that water reductions are off the table should NP be granted a new Industrial Approval despite their litany of failings?

When it comes to the amount of effluent NP would be pumping into the Strait, Northern Pulp has said that it would be about 62 million litres per day on average. They've also explained in their response to the focus report that the discrepancy in the amount of water consumed by the mill and the amount coming out in the form of effluent has to do with the pulping process where about 10% of water is used in the process. That would lead me to believe the numbers they are using for water consumption would be the 70 million litres when they are coming up with that 62 million litres number. 90% of 85 million would suggest that number should be 76.5 Million litres of effluent. I find that concerning where it creates the impression that they could be using 85 million litres for their concentration calculations and 62 Million litres for their aggregate dissolvable calculations. Being an ordinary citizen who does not have the resources to do source testing I guess that's just another leap of faith that Northern Pulp, a company on Canada's Environmental Offenders list, is on the up and up with everything they're doing.

Earlier this year, Northern Pulp finally released their EARD. As was pointed out by respondents and confirmed by NSE and then Minister for the Environment Margaret Miller, the EARD was lacking in a lot of information as well as requiring direction on how to proceed which led the province to issue the Focus Report. In the leadup to the EARD being submitted there were two notable events which speak to Northern Pulp's credibility.

First there was the Fishers/First Nations blockade. After delaying the announcement of their first pipe route, Northern Pulp chose to blame their not moving quicker on their ETF

plan on having to battle water reduction targets as laid out in the original 2015 Industrial Approval through 2016. Thanks to a recent foipop, we found out that NP and the govt were in negotiations to decide how much money the govt was going to pay to NP to complete their EA process. As it turned out, we the tax payer footed that bill. Then through the NFA and Jamie Simpson's foipop, we found out that the delay through 2017 was actually caused when Bruce Chapman tried to draw a line in the sand stating that Northern Pulp needed 10 year terms for their industrial approvals and the water reduction targets weren't working for them. NSE held firm and pointed out that they couldn't even issue an Industrial Approval to NP if they didn't have a functioning ETF. Finally, NP presented their first plan that had aspects that had failed in previous attempts to do the same that included ice scouring from the shallow waters in their chosen outflow location. Northern Pulp's attempts to survey their new location was met with a blockade. Kathy Cloutier, Paper Excellence's Communications person said that the reason why there was a delay in NP's getting anything submitted was due to the blockade. When they did submit their EARD, as expected, marine surveys were not complete. Of course, neither were the land surveys, migratory bird surveys, risk to human health studies or species at risk studies none of which were blocked by anyone.

The other notable event was on January 31st, 2019 when NP decided to have their press conference announcing that they were going to submit their EARD within the next week. During their press conference that they scheduled to take place during the Pictou Landings First Nations celebration to mark the Closure of Boat Harbour to begin in one year, Kathy Cloutier said that NP wanted to be build a better relationship with the PLFN, wanted to see Boat Harbour remediated, that they had "shared goals" with the PLFN and that they wanted to put the sad legacy of Boat Harbour behind them. Then, after years of saying they would honour the Boat Harbour Act, Cloutier stated that they were asking for an indefinite extension on the use of Boat Harbour.

These two incidents demonstrate that Northern Pulp care more about spin and manipulation of facts than reality. The blockade didn't cause NP to be late with their submission. They caused that but wanted it characterized as being someone else's fault. Northern Pulp doesn't want the image of someone at odds with the community so they lied in saying they had shared goals with the PLFN with an event timed to coincide in an attempt to take media focus away from the PLFN because they did not want the reality clear that the Pictou Landings First Nations are not accepting of an extension. When Northern Pulp comes to 'conclusions' that there will be no harm to fisheries, the marine environment, our drinking water, the air we breathe, our human health, species at risk or anything else, I don't believe them. They stated the same conclusions with their EARD without doing the work. How have any of the actions that I have been describing proven that Northern Pulp deserves the social license to proceed with a project of this magnitude when so much could be put at risk economically through the potential to hurt the fishing and tourism industries, environmentally and our health?

Right from the get go in NP's focus report response, they state that the effluent has been going into the Northumberland Strait for over 50 years. The effluent dilution model on page 95 (figure 4.2-6) shows in a one-month simulation from 2016 that what leaves Boat Harbour hugs the coast line and backs up into Pictou Harbour. It gives no indication that the flow of effluent that leaves Boat Harbour goes very far into the Strait. That is a far cry from NP's present plan to pump their effluent directly into the Northumberland Strait. NP also talks about the effluent that leaves the diffusers reaching back ground levels within 20 metres. Even using NP's metric of 62,000 cubic metres (62 million litres) a day, that would mean that over 40 cubic metres of effluent would be pumped into that 20 metre range every single minute, 60 minutes an hour, 24 hours a day, 365 days a year. The only way I can see that small 20 metre box of effluent consistently reaching background levels with such a low rate of outflow of water in the Northumberland Strait thanks to tidal conditions that basically moves the water one way for six hours and then back for another six hours is if the effluent becomes the background.

"Treated effluent" is what comes out of Boat Harbour now. According to what a Northern Pulp engineer said to NSE that was accessed by lawyer Jamie Simpson through a foipop, the effluent coming from Boat Harbour now is better than what will be coming out of the new proposed facility. The flow charts in NP's response to the focus report (page 95 of focus report) that shows the concentration of effluent seems to mimic the charts on where you cannot eat mussels due to health concerns over Leukemia. "Treated Effluent" is effluent.

Why was the modeling data only collected over a one month period? Are there different modeling conditions that would exist in other times of the year? From page 7-8: "The higher density of the marine water in winter compared to the effluent density may increase the mixing of the effluent (improved dilution) in winter under ice." The word 'may' indicates that it also 'may not'. This report uses the word 'may' a lot. It's the 'who knows' catchall for incomplete research that seems to show the bias that has gone into this process. With Northern Pulp's EARD submission, they stated that no harm were predicted when it came to fishing/fisheries, marine life, species at risk and human health even though they hadn't done the work which precipitated the government issuing the Focus Report. This is yet another in a long litany of Northern Pulp going with what they want the results to indicate before or without proving that the results are so.

On page iii, the report says, "A variety of environmental protection and management measures have been adopted through the development of the project to date in order to guide the planning, design, construction, operation and maintenance, and ultimate decommissioning of the project." After listing 6 points it adds, "Northern Pulp has emphasized project design and siting so that the location and configuration of the project facilities considers the above measures **wherever possible** so as to avoid or minimize the potential environmental effects of the project. **Where avoidance is not possible, mitigation or compensation measures** have been developed as part of the

Environmental Assessment (EA), and will be implemented in consultation with the applicable regulatory authorities."

This tells me a few of things:

- 1) They have not identified all areas where their measure for protection and management are needed.
- 2) They do not have a plan to deal with potential risks
- 3) They believe that mitigation and compensation are equal to prevention.

Mitigation and prevention are definitely not equal to prevention. What sort of compensation will be given out to the Town of Pictou should we not be able to drink our water due to another Northern Pulp leak that occurred while they were supposed to be monitoring for leaks? What sort of compensation would be given to the fishing industry should fishing be shut down due to the area losing its stewardship? Fishing is a \$2B industry in Nova Scotia. When a single case of Mad Cow disease hit Alberta, it cost their beef industry approximately \$3B. You can quarantine cattle. You can't quarantine the Northumberland Strait while continuing to pulp up to 85 million litres of effluent into the Northumberland Strait each day.

From page 158: "The proposed realigned treated effluent pipeline route is within an area that was previously, and continues to be, a highly disturbed habitat (due to construction, maintenance and noise from roadways, commercial areas, and agricultural activities)." I find this to be flawed logic in trying to justify any stress that construction or facilitation of any part of the pipeline. If a migratory species like the double breasted cormorant that nests along the highway already faces risks due to traffic, how does adding more risk to their habitat become justified? To me, that's like holding a cup of coffee that is filled to the brim and believing it's okay to risk burning your hand by adding another half cup to that mug because it's already at risk of overflowing. This seems to be the logic that's at play with other birds and species at risk with this report. That quote that I took at the start is being used as justification by Northern Pulp to build the pipe when in actuality, it's a statement of how precarious of a situation these identified species are and how building the pipe creates added risk.

Talks about using the highway's ROW with TIR are still ongoing. Part of the focus reports directions was to address the plan to build the pipeline into the shoulder of the road. Stating that NP still does not have permission to do what they want with their pipe route shows that they haven't met the terms of the focus report at the time of their response. And how does that affect this proposal should all or even portions of the route be unacceptable? Respondents are given a short window to respond to this massive submission. If alterations, even slight, are made after that window is closed, the public would not have a chance to respond. This is an admission that Northern Pulp did not meet the conditions or directions what was asked of the focus report.

On page four it states that the project "May, in fact, reduce fossil fuels." The word 'may' indicates that it also 'may not' reduce fossil fuels. What evidence is there that shows this will happen?

From Page xxxvii:

"Northern Pulp will be responsible for:

1. Operation, maintenance, and inspection of ETF components, the effluent pipeline, and marine outfall and diffuser assembly;
2. Sludge management and operation of the facility's power boiler for incineration of sludge, including air quality monitoring;
3. Monitoring of effluent quality discharged to the receiving environment;
4. Ensuring the effluent pipeline system is operated in accordance with applicable regulations;
5. Maintenance of above and below ground facilities;
6. Emergency response; and
7. Awareness and education of local stakeholders, including members of the public and emergency responders."

With NP being in charge of everything from creation to release and every aspect in between, will Northern Pulp now own the effluent and all of the liabilities involved? With Northern Pulp being so negligent with their current implementation of the effluent process, I do not see how the province can accept a deal where this company is held without liability for their actions given their track record. Why is there no leak detection system on the marine portion of the pipe? The marine portion takes the pipe past Munroe's Island which is supposed to be a protected environmental area.

On page 20 it says Marine Geotechnical survey work was done in the summer. It also states that ice scour must be considered. Why wasn't marine work done in the winter? I know someone reading this may say that it wasn't done in the winter because of the fisher's blockade. The problem with that argument is that if that work had been completed (which would have occurred in October/November, not the winter) that info would have been presented with NP's EARD submission and I would have been left asking why there wasn't any summer survey work done, since they made no attempts to do any survey work in the summer prior to their EARD submission. How would bathymetry have changed if the survey work were done in the other seasons?

The diffuser will not be buried. The intense ice flow in the winter poses a major risk to it being damaged.

The pipe has a 'guaranteed' design life of 50 years. There should be a plan to remove and replace this pipe in that time. The mill itself had a design life of 25 years and is going into its 53 year. Where is the plan to replace that?

The portion of the Focus Report response on the Spill Basin Overflow, makes no reference to air emissions or odours. There also isn't anything related to monitoring the spill basin for emissions. Why is the spill basin basically a well lined open pit with pumps? Would the toxic emissions that would come from this open air overflow basin be akin to the emissions present at Point A of Boat Harbours ETF? There is also no information on human risk assessment related to this basin. I appreciate the need for their being a plan in place for a basin like this in the event that this 50+ year old mill that was designed to last 25 years which has many ongoing issues. This protection plan should be self contained and monitored in addition to having information on any human health risks it may cause.

Best Available Technology Economically Achievable (BATEA) is a concern when it is being applied to a project this concerning that poses such a risk to our health, the environment and other industries. If something needs to be done, but Northern Pulp deems they don't want to pay for it, it's not getting done. That principle is being used throughout the design of this proposal. This is why a key component like the oxygen delignification system is mentioned but not part of this ETF plan. That is likely Best Available Technology but they don't want to pay for it.

Why is it not known if the sediment will be replaced on the seafloor as preferred or at sea? "At this time, the construction method described in Section 3.0 assumes that sediment will preferably be placed back on the seafloor. However, if during construction it is decided the sediment would best be disposed of at sea, NPNS will apply to ECCC for approval to dispose of the dredging material at sea. The quantity of sediment to be dredged will be better known once final design is complete." Why isn't a decision on this able to be made as part of the project design? How much is BATAE coming into play with making this decision? What are the affects on the Strait when it comes to digging up to 4kms of sediment and dumping it at sea on marine life? What happens if it can't be replaced and permission is not granted for dumping the sediment at sea?

"Arsenic concentrations exceeded the CCME ISQG benchmark of 7.24 mg/kg at several sampling locations and sediment depths ranging from 7.3 mg/kg to 12 mg/kg). Exceedances for this parameter were generally localized to the area between the Caribou Harbour Ferry Terminal and Munro's Island and concentrations remained below the CCME Probable Effects Level (PEL). The PEL is defined as the level above which adverse biological effects are usually or always observed; · Copper exceeded the CCME ISQG of 18.7 mg/kg in two samples collected within along the proposed pipeline at VC-12-2 (41 mg/kg) and VC-16-3 (19 mg/kg) (z), but did not exceed the PEL at any location. Two chlorinated dioxin compounds (1,2,3,4,6,7,8-Hepta CDD and

1,2,3,4,6,7,8- Hepta CDF) exceeded the CCME ISQG benchmark (0.85 pg/g both compounds) at VC16-1 which was located just west of Munro's Island. " How does disturbing 4kms of sediment with exceedances in arsenic and copper or the two chlorinated dioxin compounds affect marine life?

On page xxi, Northern Pulp describes their connectivity to the forest industry. Again, like the Oxygen Delignification system that is not part of their plans to build with this ETF plan and Northern Pulp's economic data included in this report, it has nothing to do with how well the ETF and pipe plan will work from an environmental assessment stand point and shouldn't be included in this report. I have friends/family who either work or have worked at the mill under different owners and spin offs related to the mill. Through my involvement with trying to understand the process, I've been fortunate enough to have had a couple dozen people who either work at the mill or mill related businesses who have reached out to me to help me. Even the people who are worried about losing their jobs whose main motivation in reaching out to me is in hopes that their help would lead my thinking to end with my supporting this proposal have been very helpful. There are a lot of good people who are at risk with Northern Pulp putting together a bad plan. All this connectivity does for me is remind me of how much Northern Pulp is letting everyone down with their bad plan based more on spin then science, their own personal economic gain than the health and welfare of the community or even other industries, that cannot be accepted.

On the topic of the Boat Harbour Act's closure date. That date was a negotiated agreement between the Government of Nova Scotia and the Pictou Landings First Nations. That was a deal that prevented Northern Pulp from having to close in 2014 after Northern Pulp's 47 million litre effluent leak. The Pictou Landings First Nations have promises of a Boat Harbour closure with remediation made and broken many times by many premiers going back to 1991. Northern Pulp were given 5 years to come up with a replacement. The Forestry Industry of Nova Scotia had 5 years to prepare for the possibility that Northern Pulp may fail to put the effort forward to protect their mill. The use of Boat Harbour of Boat Harbour is a well documented case of environmental racism which has been acknowledged by our govt. Mr. McNeil has stated that this is not the 1960's anymore and those sort of practices cannot continue. He has also stated that he would not simply move a disaster from one location to another. This present disaster is costing tax payers currently an estimated \$217M. This proposed plan has no proof that it won't create the same sort of disaster on a larger scale. Northern Pulp is asking for an indefinite extension until they build their ETF.

Here are the reasons why you cannot legislate an extension:

- 1) Extending the deadline would be an extension of environmental racism. Changing the Boat Harbour Act at this point would state that the PLFN's rights are not as important as the economic gain of Northern Pulp.

2) The PLFN took a huge leap of faith based on 25 years of broken promises to the same promise that this present government has made to them. That leap of faith gave Northern Pulp enough time to come up with a plan. The premiere has acknowledged that several times.

3) There is no timeline on Northern Pulp's ask for an extension. If there is a deadline and the ETF has not been completed by that point and a future government were to strike down the Boat Harbour Legislation, this government would have opened the window to that possibility

4) As stated by Premier McNeil several times, Northern Pulp have had 5 years which was enough time to come up with a plan. Nova Scotia Forestry also had 5 years to plan for this possible eventuality. The PLFN should not have to pay for the failure of Northern Pulp and the Industry to do what they knew they had to do.

5) Present cost of clean up is estimated at \$217M. That price is only going to increase the longer it is put off.

6) This proposal is a bad plan.

So far, Premier McNeil has been steadfast in his and the government's position. He has stated many times that Boat Harbour exists because of the way people did things (racism) in the 1960's and we can't repeat those ways. He has stated many times that the mill was given enough time to come up with a solution. He has also stated that we can't just move a disaster from one location to another. Please do not add your name to a long list of Premiers who have broken promises to the PLFN to close the Boat Harbour ETF and remediate Boat Harbour. Please stay on the right side of history.

I am also including my submission minus my introduction to CEAA from earlier this year so my comments from there can be included in the provincial process for consideration since the provincial govt keeps referring to federal involvement in the provincial process included in the provincial process. If federal perspectives/positions are being included in the provincial process, than my federal concerns should be addressed as well:

Hello CEAA,

I am writing in relation to Northern Pulp's Replacement ETF project and to express my concerns for their wanting to put an effluent pipe into the Northumberland Strait.

According to our MP Sean Fraser through various discussions and from what I have gathered through understanding the process for decisions assessments in regards to pulp mills in Canada, pulp mills are treated differently and have their own set of rules. Basically, federally there are guidelines to be met in regards to the effluent and the effects of the physical pipe itself. Mr. Fraser spoke to our town council last year where he pointed out that these are guidelines that are set up in order to give industry some

understanding of the expectations that have to be met in order to conduct business. This does not mean that the scope of a decision is limited as a straight pass or fail. This is a starting point to give industry direction and any other concerns are to be considered.

The Pictou Landings First Nations have stated that they will not agree to an extension and they have expressed strong opposition to any ETF so far proposed by Northern Pulp that results in an effluent pipe releasing effluent into the Northumberland Strait. The PFLN are not only First Nations which warrants special consideration from the federal government on these matters, they have the unique experience of living with the results of the environmental racism that has gone on with Boat Harbour for more than five decades.

"The Supreme Court of Canada confirmed that Mi'kmaq and Maliseet First Nations continue to have treaty rights to hunt, fish and gather towards earning a moderate livelihood. These treaty rights must be implemented. Along with these treaty rights, First Nations maintain they continue to hold Aboriginal rights and title throughout their traditional territory. This creates a special situation unlike any other found in Canada. There is no model or generic approach to follow on how to proceed which meets everyone's circumstances, needs and interests." (1) This tells me that where there is special concern and request from either Mi'kmaq or Maliseet First Nations that according to the Supreme Court of Canada, the Federal government has to ensure a process that is acceptable to those Nations is undertaken. In regards to the state of reconciliation with the First Nations especially at the hands of more than 50 years of environmental racism, it behooves the Federal Government to ensure their concern are met.

The outflow location of the pipe is in the Northumberland Strait which is Federal waters. Multiple provinces have expressed concern for their economy, environment and health over this decision. There is a strong belief that due to the nature of the Nova Scotia provincial govt in relation to Northern Pulp as a financier and regulator as well as motivation created through liability due to the indemnity agreement that they are in a conflict of interest. I believe that that on its own is not reason enough to warrant the Federal govt to step in. That conflict of interest combined with the concerns that people have and the general belief that Nova Scotia is not doing due diligence with its assessment thanks to a decision to go with a class one environmental assessment instead a class two assessment, which according to Nova Scotia's description is warranted as described for "undertakings (that) are typically larger in scale and are considered to have the potential to cause significant environmental impacts and concern to the public" (2) creates a greater mistrust of the decision making that creates a federal concern. A waste water treatment facility capable of dumping 75+ million litres of effluent per day into the Northumberland Strait IS a large undertaking, that creates potential to cause significant environmental impacts and as this committee is aware, thousands of people have

expressed their concerns. That concern has spilled over into a blockade of survey work and is likely the tip of the ice berg and a harbinger of things on a federal level involving multiple provinces should a hasty decision that can't be justified in the minds of those concerned.

Canada has made a commitment to keeping our water safe and clean and have earmarked \$1.5B towards that goal. According to Canada's Ocean Protection Plan "Canada is a maritime nation, with more coastline than any other country in the world. Canadians rely on their coasts and waterways for recreation, to deliver products to market, and to earn their livelihood, but also cherish them for cultural reasons. the Oceans Protection Plan will help keep Canadians water and coasts safe and clean, for today's use and for future generations. The Government of Canada will partner with Indigenous and coastal communities to develop a world-leading marine safety system that meets the unique needs of Canada from coast-to-coast-to-coast." (3) How is Canada making that commitment if they aren't doing assessments on projects like this? Indigenous and coastal communities from multiple provinces are asking the federal government to take the action this plan has put into writing.

The federal guidelines that concern effluent are weak. The idea that the quality of the effluent being such that putting ten trout in a bucket with the effluent and receiving a passing grade if six survive is a terrible measure for what should be acceptable in any case, let alone a case that puts a \$2B fishing industry at risk. The idea that effluent returning to background levels after 100 meters that can be manipulated by putting six diffusers spread evenly over a distance of 125 meters shows that there really isn't a limit on the amount of effluent that can be released. By that logic, if a pulp mill wanted to release one hundred times the amount of effluent, it could just have one hundred times the amount of effluent reaches and according to the same theory, it would reach background levels by 100 metres even though the spread of diffusers would reach over one kilometre. I understand that the govt is currently working on new guidelines on dealing with the oceans. It does not make any sense to recognize that current guidelines are wrong and need change and to simply approve of a project based on problematic guidelines.

This is a summation of the points that I believe creates a strong case for Northern Pulp's Replacement ETF project requiring a Federal Environmental Assessment.

- 1) The Pictou Landing First Nations request for a Federal Assessment.
- 2) The effluent pipe would pump effluent into the Northumberland Strait which is shared by three provinces.
- 3) Large public concern from multiple provinces

- 4) Canada's Commitment to keeping Canadian waters and coasts safe and clean, for today's use and for future generations.
- 5) Protecting Canadians of multiple provinces from civil unrest by not showing not doing due diligence on a matter of Federal importance.
- 6) My belief that the guidelines don't adequately limit the amount or concentration of effluent released by a pulp mill.

Thank you for the consideration of having this project receive a federal environmental assessment. This is major issue for the Maritimes no matter what someone's positions on it are and will have a great influence on the future of our province.

Terry Dunbrack

Footnotes to federal portion:

- (1) <https://www.aadnc-aandc.gc.ca/eng/1100100028589/1100100028591>
 - (2) [Frequently Asked Questions | Environmental Assessment | Nova Scotia Environment](#)
 - (3) [Canada's Oceans Protection Plan - Transport Canada](#)
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