

# PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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Standing Committee on  
Agriculture and Fisheries

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LOCATION: LEGISLATIVE CHAMBER, HON. GEORGE COLES BUILDING, CHARLOTTETOWN

SUBJECT: BRIEFING FROM REPRESENTATIVES OF FRIENDS OF THE NORTHUMBERLAND STRAIT &  
NORTHERN PULP WORKING GROUP RE: NORTHERN PULP WASTE WATER TREATMENT PROJECT

COMMITTEE:

Hal Perry, MLA Tignish-Palmer Road [Chair]  
Dr. Peter Bevan-Baker, Leader of the Third Party  
Hon. Richard Brown, Minister of Communities, Land and Environment (replaces Hon. Paula Biggar,  
Minister of Transportation, Infrastructure and Energy)  
Darlene Compton, MLA Belfast-Murray River (replaces Colin LaVie, MLA Souris-Elmira)  
Jamie Fox, MLA Borden-Kinkora  
Hon. Sonny Gallant, Minister of Workforce and Advanced Learning  
Alan McIsaac, MLA Vernon River-Stratford  
Hon. Chris Palmer, Minister of Economic Development and Tourism

COMMITTEE MEMBERS ABSENT/ MEMBERS IN ATTENDANCE:

None

GUESTS:

Friends of the Northumberland Strait (Jill Graham-Scanlan), Northern Pulp Working Group (Melanie Giffin; Allan MacCarthy; Dennis McGee)

STAFF:

Ryan Reddin, Clerk Assistant (Research and Committees)

Edited by Hansard



The Committee met at 10:30 a.m.

**Chair (Perry):** (Indistinct) and gentlemen and welcome to the Standing Committee on Agriculture and Fisheries. This is Friday, February the 8<sup>th</sup>, 2019. Our agenda has been circulated a few days ago. Everyone had an opportunity to see it; but before that, I just want to welcome all our members here who are here, and we have a substitution: the hon. Richard Brown will be sitting in for the hon. Paula Biggar today – so welcome, minister.

Also today is the first time ever we've had – we do broadcasting – so it's the first time ever we've had or we will be having closed captioning. So that's great for our audience who are watching at home.

Again, the agenda has been circulated. Everyone had an opportunity to review it. Any additions, changes?

**Mr. McIsaac:** (Indistinct)

**Chair:** Okay, moved by Alan McIsaac, thank you very much for the adoption of the agenda.

Third on our agenda is a briefing of concerns regarding the Northern Pulp waste water treatment project, and today we have Friends of the Northumberland Strait and the Northern Pulp Working Group. I'll let each one of you do your own introductions prior to start.

I'll ask just a few housekeeping rules; that your telephones, of course, are turned off or turned to vibrate, and please address or speak through the Chair. Just before your presentation, I want to know, would you prefer to leave questions until the end of the presentation?

**Unidentified Voice:** Yes.

**Chair:** Okay. We will do that. We'll hold questions. So all members can indicate to me, and I will compile a list of names and we'll hold it on until the end. What I'll do is I'll just hand the floor over to you. Please, again, give us your name and maybe your title, position; and when you do your presentations, just speak before you – again,

just give your name at that time, so that they have it for the Hansard. Okay?

Thank you, and welcome.

**Jill Graham-Scanlan:** Thank you.

So, thank you for giving us the opportunity to present to you on a topic that is of utmost concern to Nova Scotia, Prince Edward Island, and New Brunswick and beyond. My name is Jill Graham-Scanlan, and I am president of Friends of the Northumberland Strait.

Friends of the Northumberland Strait is a community group. We were formed approximately a year ago – over a year ago now. We are a volunteer group. We're a group of people from diverse backgrounds, experiences and skills, and we came together for one purpose, and that is to see that there be no effluent pipe in Northumberland Strait.

We've developed a second purpose as well, and that is that there be no extension to the *Boat Harbour Act*. Of course, the *Boat Harbour Act* was enacted in May of 2015 by the Province of Nova Scotia, and that act states that the Boat Harbour effluent treatment facility must close by the end of January 2020. As a result, Northern Pulp needs to find a new effluent treatment plan. That's what brings us here today.

Of course, Northern Pulp's new proposal is to pipe up to 70 million litres of treated effluent per day into the rich fishing grounds of the Northumberland Strait. That will be warm, fresh water that, although it's said to be 'treated' effluent, it is still industrial waste, and will contain metals; toxins and other substances that we are concerned will be harmful to the marine environment.

Yesterday, Northern Pulp's proposal was registered with the province of Nova Scotia and released to the public. I understand there to be over 600-and-some-odd pages plus 51 attachments, and someone said that made up around 2,000 pages. I didn't count, but that's what I hear.

In my cursory review off the proposal, it appears that more study needs to be done and that is said specifically within the

proposal itself. That suggests to me that the proposal was submitted prematurely.

The Province of Nova Scotia chose to proceed by way of a class one environmental assessment. That's a fast track environmental assessment where the public only has thirty days to digest – to read, first of all – to digest, analyze, and understand these 2,000 pages of documents and to provide meaningful comments to the province of Nova Scotia in response to those 2,000 pages.

At that time, the Nova Scotia minister of environment has twenty days to again review the proposal, review all of the public comments and concerns and then to make a decision. That decision can be one of five options. She can either approve the proposal, reject the proposal, require additional information, require a focus report or an environmental assessment report. Given the complexity of the project, the importance of the strait, the risk that is being proposed, we're suggesting that a fast track class one environmental assessment is not acceptable.

As an aside, it's interesting to note that we recently, in October of 2018, there was a leak in the current effluent pipe. That's the third leak in the decade that Northern Pulp has owned that pulp mill. We recently, as Friends of the Northumberland Strait, have been requesting information about that leak because nothing has been revealed to us about the extent of the leak, what was in that leak, what the plans for the cleanup is and what the effects of that leak would be.

We recently heard, just in the last couple of days, that the province will take up to one year to investigate that leak. It seems kind of strange to me that it takes one year to investigate a leak that Northern Pulp has termed as a small leak but yet it's only taking 30 days for the public to review the documents and only 20 days for the minister to provide a reply.

The decision to proceed by way of a fast track environmental assessment is one reason we believe Northern Pulp's project requires a federal environmental assessment under the *Canadian Environmental Assessment Act*, otherwise known as *CEAA*; but there are many more reasons for such a request, including our belief that the Nova

Scotia minister of environment is unable to conduct an unbiased environmental assessment under the Nova Scotia *Environment Act*.

I have provided a letter to all of you this morning that's dated September 19th, 2018. This was a letter that the Friends of the Northumberland Strait put together and provided to the hon. Catherine McKenna, Minister of Environment and Climate Change, as well as the team lead for Canadian Environmental Assessment Agency and the Atlantic regional office. We provided, as well, a copy of this letter to Minister Miller and asked her to recuse herself in her position, in the position of the one to make the decision on this environmental assessment.

In this letter, we set out our reasons why we believe the Nova Scotia government has significant conflicts of interest which compromises its neutrality and prevents the Nova Scotia environment minister from conducting an unbiased environmental assessment of Northern Pulp's proposed new effluent treatment facility.

I'll just briefly go through some of the points that are set out in this letter. I'm starting on page two.

The province has a direct financial and proprietary interest in the current design and construction of the proposed effluent treatment facility or, ETF. The province does not have an arm's length relationship to the new ETF. The province is closely linked or has the appearance of being closely linked to the new ETF in several ways.

One of those ways is that the province may very well become the owner/operator of the new ETF. It has invested heavily in the current design of the project and, in fact, we have discovered that over \$6 million dollars has been paid by the Province of Nova Scotia to Northern Pulp to assist Northern Pulp in the design work necessary for this new facility. This represents a significant provincial investment in the design of the proposed ETF, in our opinion.

The province has a strong motivation to approve the design without changes and ignore or minimize the environmental risks posed by the proposed ETF because of this

financial commitment. We're suggesting, though, that the province can't be both cheerleader and referee.

Turning to page three; our next point is that the province may face direct and significant financial consequences and litigation if it does not quickly approve the environmental assessment. The reasons we state that is because of the existence of an indemnity agreement signed in 1995 between the Province of Nova Scotia and the then-owner of the pulp mill, Scott Maritimes.

We understand that the benefit of this indemnity agreement has been transferred to Northern Pulp. In this indemnity agreement, the province has essentially agreed to indemnify, or possibly indemnify, Northern Pulp for any losses due to any environmental damage caused by the effluent from the pulp mill, and that combined with the lease of the pulp mill to use the Boat Harbour effluent treatment facility until December 2030, means that the province may be responsible for the cost of the new ETF because of the 10-year difference between the closure of the Boat Harbour facility by the terms of the *Boat Harbour Act* by 2020, and this lease that says they may operate until December 2030.

Additionally, there is a memorandum of understanding between the pulp mill and the province that requires the province to, among other things, use its best efforts to assist Scott, now Northern Pulp, to obtain all necessary permits, consents and approvals to permit the construction and operation of the replacement treatment facility; and that's concerning to us.

We note with interest the following paragraph that was set out in the environmental assessment registration document filed yesterday; in the introduction sections of that registration document, Northern Pulp states the following: At the date of registration, the Province of Nova Scotia has made contributions to the cost, planning and design of the project. The contributions may be offset against any future award Northern Pulp may be granted for damages against the province in any respect due to early termination of the present Boat Harbour effluent treatment facility lease.

Those are the words of Northern Pulp in their own document. This certainly appears to me that Northern Pulp is giving notice to the province that they may sue the province. That further strengthens our belief that the province is not in a position to be unbiased in the review of this project.

Our next point is that the province has been unwilling to communicate with the local community that would be affected by the proposed effluent treatment facility. We know, through our FOIPP (Indistinct) or our freedom of information requests to the province, that the province has been cooperating with Northern Pulp on the proposed new effluent treatment facility project. As I said before, they have provided significant funding to Northern Pulp, but they've been unwilling to speak to Friends of the Northumberland Strait and only very recently has the Premier spoken with the fishermen's working group. We have requested to meet with the minister of environment and that request has seemingly fallen on deaf ears because we have not been granted a meeting.

Turning the page, another concern we have is that the former lawyer and lobbyist for Northern Pulp is now a senior civil servant in the provincial government of Nova Scotia. Mr. Bernie Miller was a registered lobbyist for Northern Pulp from 2009 to 2014.

In 2014, he moved from this role into a position in the Premier's office. Mr. Miller currently holds the position of deputy minister of the office of strategy management and reports directly to the Premier. He also holds the position of deputy minister for the department of business, reporting to Minister Geoff MacLellan. In his present positions, Mr. Miller is a key member of the provincial government for issues with a broad provincial reach.

We believe it would be difficult to draw clear lines of distinction between decisions which impact Northern Pulp and all its related companies. We believe it would be difficult in Mr. Miller's position to avoid involvement with decisions that impact Northern Pulp or its related companies.

As an aside as well, we note that Northern Pulp has recently hired, in the position of its communications or public relations team, various members, former members, of the premier's office, which, again, causes us concern.

On the next page is another concern that we have. The former environment minister, who certainly continues to be a cabinet colleague of the current environment minister, has made repeated public statements minimizing the environmental impacts of the proposed environmental treatment facility. He has said such things in letters that has been distributed to the public: I'm sure you are aware that effluent from the pulp mill has been treated by the Boat Harbour effluent treatment facility and then discharged into the Northumberland Strait for the past 50 years.

This is a fallacy that we've been hearing time and time again, and as a community group we sent information – a backgrounder, if you will – to the environment minister to explain why that statement is not correct and is misleading. It's misleading because that statement ignores the current effect of the Boat Harbour basin in mitigating the impacts on the Strait itself.

At the point that the treated effluent currently leaves the treatment facility is called point c. And at point c, the effluent enters into a 300-acre lagoon that is called Boat Harbour. It sits in that lagoon for 20-30 days before it is released over the dam into the Northumberland Strait.

What the current proposal is is that the point c is moved from the area it is now directly into the Strait. So it will not have the benefit of the 300-acre Boat Harbour treatment lagoon for the solids to settle, for the other substances to settle, and for the water to cool and then be released into the Strait. That's a material difference; and it is wrong, we believe, for the minister of environment to be stating otherwise.

We believe that this is a compelling sign that Cabinet is predisposed to approve the environmental assessment proposal without properly assessing and weighing the environmental risks of the project.

Not only do we believe the Nova Scotia government is in significant conflict of interest, which compromises its neutrality; our concerns are heightened by the findings of Nova Scotia's Auditor General, in his report dated November 2017. The Auditor General completed a performance audit at Nova Scotia Environment on the environmental assessment program. The purpose of the audit was to determine whether Nova Scotia Environment appropriately reviewed environmental assessments to ensure potential impacts to the environment were avoided or reduced, that identified risks were monitored, and that they were taking action when necessary.

The Auditor General concluded that there was poor monitoring of projects, increasing risk to the environment, monitoring of terms and conditions of project approvals was weak, and the department was not evaluating whether terms and conditions were working. This led to the Auditor General concluding: "Simply meeting legislative requirements does not guarantee an approval process is adequate, and as our work shows, more needs to be done."

So what is our ask? On behalf of Friends of the Northumberland Strait and the fishermen's working group, we request that you continue to seek a federal environmental assessment under the provisions of the *Canadian Environmental Assessment Act*.

Thank you.

**Melanie Giffin:** Thank you, Mr. Chairman.

My name is Melanie Giffin. I am the marine biologist and program planner with the Prince Edward Island Fishermen's Association.

I'm sitting here today as a member of the harvester working group. I just wanted to give you a small preamble before Allan and Dennis take over, but basically, the working group got together when the discussion first started about the new proposed pipe, and this working group is consists of the Prince Edward Island Fishermen's Association; the Maritime Fishermen's Union, who is based out of New Brunswick but have representatives throughout Nova Scotia as well; and the Gulf Nova Scotia Fleet Planning Board, which encompasses the

Northumberland Strait fishermen's association.

This group meets – it's not a kind of a scheduled list. It could be weekly, depending on what's going on – and it also, I'm sorry, includes the Pictou Landing First Nation community – we all get together and have a slightly different mandate than Jill and the friends of the Northumberland group, but ultimately it's all the same goal, and that is protection of the fishing grounds, habitat and ecosystem within the Northumberland Strait to ensure the fishery continues in the future.

So I will hand it over now to Allan.

**Allan MacCarthy:** Thank you, Melanie.

Thank you, Mr. Chairman, and committee members.

My name is Allan MacCarthy. I'm representing the Northumberland Fishermen's Association. We've been, like Melanie says, part of the working group and we've been together for a year now. We want to thank the provincial government of PEI and all the members of the Legislature for recognizing that a problem created in Nova Scotia could have disastrous effects on more than one province.

Past presentations to this committee have given us answers to questions that we could not obtain ourselves. The presentation by the Environment and Climate Change Canada further demonstrates why all stakeholders, and especially fishermen, should have great concerns about any effluent pipe from Northern Pulp in the Northumberland Strait.

You heard from the Environment and Climate Change Canada how very few pollutants are regulated under the pulp and paper effluent regulations, and that the regulations do not protect fish or fish habitat. The presentation included information that there are ninety mills in Canada. The pulp and paper effluent regulations regulate them with blanket coverage. They are not specific to each mill, but every mill has its own individual process. Each mill uses different amounts of water, different amounts and different types of chemicals and different treatment

facilities; but yet, the PPER regulations are the standard.

Environment and Climate Change Canada admitted that the biochemical oxygen demand and the total suspended solids, which that, officially (Indistinct) are the only things that they test for, are not stringent enough and they are looking to add nutrients, temperature, pH and other possible contaminants to the regulations.

They commented that the compliance with the PPER regulations is high, but in a recent study of mills that met the regulations, it was shown that 70% of them are still negatively affecting fish and fish habitat. Northern Pulp is one of the mills proven to be negatively affecting fish and fish habitat. They also said that the proponent is responsible for the health of the fish. The information collected from the environmental effects monitoring would be flagged if it showed effluent is affecting fish.

Each EEM cycle is three years long. So if the second EEM cycle shows the same results as the first, then Environment Canada would make recommendations on how to improve the problem; but we are now six years into the problem, and they're just making recommendations. They're not saying they're going to fix the problem. They're making recommendations.

When you compare the regulatory process with that of DFO and the fishery, there seems to be a discrepancy. Our quotas change yearly, using last year's fishing records and best available science. Fishing areas close for right whales. It can happen within a week. We are constantly changing mesh sizes; escape mechanisms, the number of traps or nets allowed to fish, the number of days and the length of seasons we fish.

Fishermen realized thirty years ago that we cannot damage fish habitat without negative results. We created a zone that extended one mile from land in all lobster area, which was then 26A, which were eastern Prince Edward Island and a big part of Nova Scotia. It was created to prohibit dragging on the bottom – to protect fish habitat and juvenile lobsters. The federal government now calls this area a marine refuge and they use it as a percentage of area required to

meet the commitments for marine protected areas. We cannot drag scallops in this closed zone but they would allow a company to dredge, lay a rough mattress, lay a pipe, backfill, and have diffusers releasing a deleterious substance in an area that we have been protecting for thirty years.

The identical proposal for an effluent pipe into the Northumberland Strait has been rejected twice before by the federal government for environmental reasons. The science has not changed, and our oceans are more vulnerable than ever, and under more stress from pollutants, increased industrial activity and climate change. The only thing that has changed in our government is our government's weaker environmental laws protecting fish and fish habitat.

We, as fishermen, depend on multiple species, a healthy ecosystem, habitat protection and biodiversity. One only has to look at the receiving water study to realize how problematic this proposal is. Many of the studies they used for the modeling were not done recently and not carried out by the consultants who have done the study themselves.

The receiving water study contains many generalizations that we feel do not give a true representation of the area. They say the tide goes northwest 51% of the time and southeast 35% of the time. So there's 14% of the time it's unaccounted for. Although it is directly outside Caribou Harbour, they claim this water does not enter Caribou Harbour and therefore, there will be no long-term accumulation.

Their mention if ice says there should be further study. Their study on weather says there can be storms in the Northumberland Strait, and once in October 2011 the ferry was cancelled between Caribou and Wood Islands.

They also make statements of no fishery taking place close to the outfall. There are many statements that are misleading contained in the receiving water study. Fishermen, for the most part, do believe in science. We do not believe in using science that only meets 26-year-old regulations. We all fish in federal waters. We are licensed by the federal department of fisheries. We are

regulated by the federal department of fisheries.

We question how a foreign-owned company can place an effluent pipe in the same waters and only have to pass a provincial environmental assessment. Some of the stressors required to obtain a designation for the CEEA for a federal assessment are involvement of a First Nation fisheries. We have that. Destruction of fish or fisheries habitat, we have that. Species at risk, we have those. The involvement of more than one jurisdiction or province, we also have that. That's what brings us here today. The next stressor is the amount of public support and involvement of people who could be adversely affected.

That's the end of my presentation. Do you want to do something, or do you want to go to questions?

**Dennis McGee:** I can present some.

**Unidentified Voices:** (Indistinct)

**Dennis McGee:** My name is Dennis McGee. I am a member of the Northumberland Fishermen's association and I also sit on the Nova Scotia fleet planning board. I've been a fisherman now since about 30 years.

In the lobster area where I fish, in the last 10 years, we've taken conservation measures in our own hands, and our science tells us we've doubled our egg production; and in doing so, we're contributing to other areas in the Northumberland Strait.

I fish about 15 kilometres from where the outfall is going to be, and it concerns me very much that the effects of the effluent are going to damage our lobster fishery in the province, or in the Northumberland Strait.

With the larvae drift predominantly going to the northwest, that is where our larvae is going to drift is through that area, and it's going to impact our side and the PEI side.

Another point that's not brought up is the solids that are going to be coming out of the effluent pipe. They're telling us that there's going to be a minimum, on ideal conditions, of 1,000 kilograms a day going in the water, and when we asked the question from the

consultants – Where are the solids going to go, what are they going to do? They couldn't answer the question. One fellow basically told us they'll go away.

In my line of work, and with our environment the way it is, that's not a suitable answer. Our oyster fishery on our side is depending on this also, because they will be probably one of the very first ones that's affected on the inland waters.

Our lobster fishery is probably the king. It will be adversely affected, for sure. Our scallop fishery is going to be another one that's going to be tremendously impacted because in British Columbia, around most of the mills, the shellfish closure zones are the size of Alberta, and the whole province. With this effluent going directly out into the Northumberland Strait, right on the lobster bottom all the way around, the herring spawning beds, scallop beds, rock crab; it's going to affect everything.

**Allan MacCarthy:** The herring spawning beds are close.

**Dennis McGee:** The herring spawning beds are within a half mile of the outfall of this proposed pipe. The scallop zone, we used to be able to drag scallops within a mile. We'd drag scallops all the way around it. With the solids going out in the water, it will contaminate the bottom, and it will spread. The pulp and paper regulations, generally, what they do is – their finfish – is their test. If they put so many fish in so much water – if there's 50% still alive in 96 hours, then it passed the test.

The problem with this is the pulp and paper regulations are geared for freshwater discharges. They will sacrifice a river or an estuary before it is discharged into the ocean. On the west coast, in a lot of areas around the discharges for these pulp mills, they cannot eat their crab. There are no lobsters on that side.

So when this contamination keeps on spreading, it'll either contaminate, kill, or whatever's on the bottom will move. So it's a very precarious situation that we're in on this side, on our side, and I truly appreciate the opportunity to come here today, and I truly appreciate the support that the PEI government has given us. I would hope that

you would keep on lobbying for a federal assessment.

Thank you very much.

**Chair:** Thank you.

Is there anything else to add?

I'd like to thank you for your presentation. I'm going to open the floor up now to questions. I do have a list that's already compiled, so if anyone else wants to get on the list, just indicate to me.

First off we have Minister Brown.

**Mr. R. Brown:** Thank you very much.

Thank you very much for your presentation. We did have the federal people here a couple of weeks ago, and a number of questions were asked. I don't think we got a number of answers, but we are committed to supporting the fishing industry on Prince Edward Island.

The government of Prince Edward Island is in sync with your association in demanding a federal review of this process. I did send a letter to Catherine McKenna on May 18<sup>th</sup>, 2018, with our concern, and the Premier has sent one, and a number of other ministers.

Now, I do have a summary of the pulp – the environmental impact that's going to be done. There are a number of areas we think we can intervene, but the main intervention is through the *Canadian Environmental Assessment Act*. I think there is opportunity there, and under section 67, assessment will be required by the federal authority in relation to the federal lands including the outfall associated with the approval.

I think the minister has an obligation – not only an obligation, but a legal responsibility to intervene here. We're going to challenge that. The federal government, through the minister of federal environment, has a responsibility to protect the environment and she must do an environmental assessment under here.

But there's also the *Fisheries Act*. Section 35 of the *Fisheries Act* prohibits against serious harm to fish that is part of a commercial, recreational, and Aboriginal

fishery or fish that support a fishery. In their documentation, they have it down as to be determined if serious harm is anticipated. Department of Fisheries and Oceans, DFO, determines the requirements.

So we have to also go after the department of – not only the department of environment, but the department of fisheries also.

As you've just described up here, the spawning areas – the herring spawning areas, which are extremely close to this outfall, I can't understand how that would not meet the requirements of section 35, which prohibits serious harm.

We have to work together in order to make the federal minister of fisheries understand that that spawning area is at risk, and therefore he or the federal government under the department of fisheries and the minister of fisheries has a legal responsibility to protect that zone, too. We're willing to work with your associations to ensure that this is done.

We believe that the timeframe is extremely short. As you indicated, over 2,000 pages, we're going through it right now to see what opportunities we have in – legal opportunities, to see what we can do here; but just on a pure – as an environment minister, my act is quite specific. If I see something that's going to harm the environment, I have an obligation – not a request or anything like that – I have an obligation to protect the environment. I have a legal responsibility to protect the environment, and if I don't protect the environment, I put the government at risk of being sued.

I believe that the federal minister has the same responsibilities as me as minister of environment for Prince Edward Island to protect, and I will be exercising my authority under that to influence the federal government to ensure that a federal review is done; but any other information you can provide us in your correspondence with the provincial government of Nova Scotia would be much appreciated because we're reviewing it right now.

Thank you very much.

**Chair:** Anyone have anything to add to this?

**Allan MacCarthy:** (Indistinct)

**Chair:** Okay, Allan.

**Allan MacCarthy:** Thank you very much, Mr. Brown.

We'd also like to add about the herring spawning grounds that are so close to the outfall in – 16F is the area. They're in the cautious zone right now on the federal review; they're on the low end of the caution. They're getting close to the critical. The next step, if things don't go right next year, they're into the critical zone, and then it's out of our hands and management; it's up to the government plan. So, yeah, we agree with you on that, that (Indistinct) –

**Mr. R. Brown:** So if you can provide me backup information for that in order to put in our presentation back to the federal environment minister, plus the fisheries minister. We have two ministries here that are responsible for this, and when we have a federal government that is – you know, this is shared waters. It's the Gulf of Saint Lawrence. You know, the (Indistinct) project up off Newfoundland there, we're still making sure that the federal government protects us there.

But yeah, we'd like that information from you, too.

Thank you.

**Melanie Giffin:** (Indistinct) that information and send it off. Do I send that through the Chair?

**Mr. R. Brown:** Yeah.

**Chair:** Yeah.

**Melanie Giffin:** Okay.

**Chair:** Thank you.

**Mr. R. Brown:** Thank you, Chairman.

**Chair:** Thank you, Mr. Brown.

Next on the list we have Jamie Fox.

**Mr. Fox:** Thanks, Chair.

Thank you very much for coming over this morning.

I also want to thank you for the interest you've shown and what you've done on this project so far to try to ensure that we do have a federal review taking place.

It's my understanding, Chair, that also Bush Dumville was not available today. He sent a message that he wanted – he had three questions that he wanted answered at some point. If you want, Chair, I'll ask those questions.

I'm interested in going back to Boat Harbour. Do you know how long this company has realized that Boat Harbour is a problem or a problem exists?

**Jill Graham-Scanlan:** I suggest that they knew that there had been a problem with the Boat Harbour treatment facility since the late 1960s. I myself grew up in Pictou County, and I still live there. It's been an ongoing issue with the Pictou Landing First Nation, whose land occupies the area around Boat Harbour and also other residents of the Pictou Landing area, and theirs as well.

There has been a number of promises made by various provincial governments and the province of Nova Scotia of all political parties to close the Boat Harbour treatment facility. There have been deadlines in the past that have been ignored and have been gone by. So certainly Northern Pulp, who purchased the assets in 2008, and in 2011, Paper Excellence then bought into Northern Pulp, certainly they would have known from the time that they became involved with that pulp mill that Boat Harbour treatment facility needed to close.

**Mr. Fox:** Thank you.

Am I safe in saying, then, that the previous company and Northern Pulp, as you just alluded to, would have known of any problems? The problems are consisting and possibly could be worse, and they've ignored them problems?

**Jill Graham-Scanlan:** That appears to be the case. The Pictou Landing First Nation has been working hard to educate politicians

and the public about their concerns, and through that process, Northern Pulp would certainly be made aware of the problems with that facility.

**Mr. Fox:** Change a little bit into the temperature: I'm interested in when the effluent goes into the holding pond now, and then that is discharged into the Strait; do we know what that temperature is?

**Allan MacCarthy:** We don't. We don't know exactly, but it's in Boat Harbour anywhere from 28 and a half to 38 and a half days. It's 12 hours where it gets its first treatment and it's dumped into the next pond for eight days and then it's 20-30 days in Boat Harbour, so it has to cool significantly from what it would be pumped right into the Strait.

**Mr. Fox:** So, Chair –

**Chair:** Just a moment, Mr. Fox.

Just for Hansard's sake again, when you're responding, could you just state your name so they can give you credit for your response?

Thank you.

Jamie Fox.

**Mr. Fox:** Thanks, Chair.

So like anything, if you take an ice cube and you put it in a bucket of water and you let it sit there for three or four days, it melts, gets cooler or whatever, and it warms up to room temperature. So my question would be: Do we know what, if we bypass Boat Harbour, do we know what the possible temperature could be going out into the Strait from the pipe?

**Melanie Giffin:** Yes. So we've been told by Northern Pulp that the temperature being released, the temperature of the effluent that will be released in the summer, it will be 36°, and in the winter 26°; significantly higher than average temperatures in the Northumberland Strait.

**Mr. Fox:** So do we know or have any knowledge in if that water being discharged from the pipe at whatever point, at the header, is at this temperature, do we know

what the effect would be from that much effluent going into the Strait at that point, what the effect of the radius would be out into the Strait?

**Melanie Giffin:** No, there are a lot of questions around the temperature. Every species relies somewhat differently on a temperature. They have different temperature sensitivities, so the radius of it, what they're telling us, is, you know, about – is it 100? I can't remember (Indistinct) –

**Jill Graham-Scanlan:** (Indistinct) 100 metres?

**Melanie Giffin:** A hundred metres from the outfall would be affected, but then you think of scallop, for instance; scallops are extremely sensitive to temperature fluctuations. Lobsters are temperature-dependant when it comes on releasing eggs and molting. That all comes down to nutrition and number of degree days. So you need a certain number of degree days at a specific temperature from a biological perspective.

We don't know how that would affect these kinds of biological things, and more work needs to be done on that; but like I say, they're telling us that it's a 100-metre radius, but that would be the assumption of it being released. I don't know the cumulative effect of that. If you're constantly releasing, if you release once for an hour over a period of time, then it may dissipate within 100 metres; but over time, every day, and 70 million litres? I fail to understand how that's possible to dissipate within 100 metres for that length of time.

**Mr. Fox:** I know that there's a concern by the shellfish fishers up in Malpeque and Bedeque Bay that as the climates are changing and water coming into them bays through the rivers is warming up, and it's affecting the production of shellfish in them areas, so they're asking DFO to look at the possibility of moving off-bottom and on-bottom leases out a little bit out farther, because as the waters come down – so safe in saying that we'd have the same effect here, so with that, would it not be safe to say that every species of fish or lobster that's in that area where that pipe comes out would be affected to some regard?

**Melanie Giffin:** Yes, in my opinion, any species that is temperature-dependent in any way, it will have an effect – or will be affected, sorry, by the hot effluent release.

**Mr. Fox:** Back in the 1990s – when we met last week on Friday we understood that back in the 1990s, the regulations were changed and there wasn't really a study or anything done from back in the 1960s.

So in your opinion, talking about BCME, in your opinion, should the science and the regulations be aligned before any further pipes or hot pulp effluent are put into sensitive waters?

**Melanie Giffin:** Yes. I think that more work needs to be done.

You had mentioned that the last one done was in the '60s. I believe that was on lobster, did you say?

**Unidentified Voice:** (Indistinct)

**Melanie Giffin:** One of the big concerns that I've had from a marine biology perspective in talking about the effluent release is the climate change as well, and how that's shifting, and how the entire ecosystem has been shifting and seeing new species.

So we don't understand. We don't fully understand how that shift is taking place at this point. So before we add another variable, or numerous variables to it, we need to have a better understanding of what's happening in the Strait currently before we start messing with other variables and changing it again.

**Mr. Fox:** I never thought about this until you guys started speaking, but if we get rid of Boat Harbour and we put it straight out into a pipe, and their plan is to burn much of the chemical-laden solids off prior to it going out into the Strait, what about the effects on wildlife like birds or deer or moose or bear, whatever's out in that area? Do we know what the effect – have they done any work on that part of it?

**Melanie Giffin:** I can answer from a marine biology perspective. That's out of my scope. I don't know if you guys have heard of anything in Nova Scotia, but definitely out

of my scope to understand what's going on in the land-based side of it. I think there are people working on it, but it's not really our mandate with our working group.

**Mr. Fox:** But that could be another concern?

**Melanie Giffin:** Oh, yes.

**Mr. Fox:** Right?

**Jill Graham-Scanlan:** The concern with wildlife, but also human life as well, with the increased pressure on the air emission stacks.

**Mr. Fox:** Yeah, okay.

I'm going to make a very bold statement. I think what the fishermen's associations have done over there in Nova Scotia to delay the project in regards to the surveying, I think is the proper thing.

You can move on, Chair.

**Chair:** Okay, thank you very much.

Next on our list we have Darlene Compton. I'll put it in the record here that Darlene Compton is not a regular member of this committee. She does sit in – especially for this issue, she has been – but she is substituting today for Colin LaVie.

Darlene Compton.

**Ms. Compton:** Thank you, Chair.

I want to thank each and every one of you for coming today. I can't believe we're still talking about this. There's no question in my mind we need a federal study and I will continue to push for that.

I want to thank both groups for the work that you're doing. As you probably know, I'm the MLA for Belfast-Murray River so 26A is definitely in my wheelhouse as far as affecting the fishermen where I live.

First of all, have you had any real conversation with Northern Pulp at all, and what has that been?

**Allan MacCarthy:** We have met with them – four times? Four times. I wouldn't call it

negotiations. They basically started with the same: We're putting the pipe out. And on the fourth meeting they changed it to: We're putting the pipe out here instead of here.

Nothing else had changed. There were no meaningful negotiations, no; it was more like a dictation.

**Chair:** Darlene Compton.

Oh, sorry.

**Jill Graham-Scanlan:** If I may add, it's important to note as well that Northern Pulp themselves have come up with the slogan: No pipe equals no mill. So that's the line in the sand that that corporation has drawn.

**Chair:** Darlene Compton.

**Ms. Compton:** Thank you, Chair.

We had Northern Pulp here to the standing committee almost a year ago, I guess, and you know the arrogance was evident. I'll say that out loud.

The scare tactic of no pipe, you know, no pulp mill is nothing but that, a scare tactic, and I don't think anyone in this room wants to see the pulp mill close, but if it's going to impact the fisheries industry and the environment in the way that we think it is, it's more than a concern.

I still am in awe of the fact that there is definitely a conflict of interest with the province. There's no doubt in my mind, and I've stated that before. They're in a tight spot. I totally get that because they have invested millions and millions of dollars in ensuring that the pulp mill continues to operate.

Talking to constituents of my own, and many of them are very concerned about the fishing industry, a lot of them still don't understand the impacts that this is going to have, and a lot of people who are not involved in the industry immediately haven't – I talked to a fisherman probably a month ago, and he was saying people don't even – they're just getting on board now, so I would just encourage both groups to keep pushing.

The only other question I have is we're all in support of making sure there's a federal environmental study; is there anything different or extra that we can do as politicians to push on that? Yeah, we can write letters and I've done a Facebook post before and I'm going to do one again. So if there's anything in particular – because you folks are dealing with this every day – is there anything in particular that we could do to push for that?

I appreciate the minister is going to continue to push as well, as will our government, and I will, for sure, but if there's anything else that you can think of either today or let us know in the future.

**Allan MacCarthy:** We would request that you all could write a personal submission to CEAA about – as any person on PEI has (Indistinct), and it does carry more weight, of course, coming from a politician or someone with a scientific background, but we would request that of you, too, please, if you would.

**Ms. Compton:** Sure.

Thank you, Chair.

**Chair:** Next on our list we have Alan McIsaac.

**Mr. McIsaac:** Thanks, Chair.

I want to thank you for coming. I'm glad you came over last night, because the roads were terrible today, and I'm quite pleased at the amount of people from our committee that made it in. I know the Chair took two and a half hours to get here, and Bobby said he was near two hours getting in, too, so there's a lot of concern for this.

I just have a few questions, but I want to reiterate what the minister had said about the federal assessment. We have to get that, that's for sure; and I was just going to say I think, Allan, you checked pretty well all the boxes along the way to allow that to happen. That's what needed to be done, and I know from my time as the minister of fisheries I've seen Melanie do the flow chart of the life cycle of a lobster and I know there's more than just the lobster species involved here, but when you see what Dennis had said there about – what? 1,000 kilograms a

day or nearly a tonne of waste going through there – what's that going to do to the life cycle of that lobster? It's absolutely unbelievable that that could even go forward, but anyway.

My questions, I guess, are to Jill. It has to do with one of the opening comments you had about a new leak in the old pipe. How did you find out about that?

**Jill Graham-Scanlan:** A neighbour walking their dog discovered the leak in the current effluent pipe, and they in turn alerted Northern Pulp to the leak. And, you know, that raises questions in and of itself, because according to Northern Pulp's industrial approval, they are to have real-time flow monitoring systems installed so that they, as Northern Pulp, are alerted any time that there is a change in the flow, so it should alert them to a leak.

That was one of the questions that we had as Friends of Northumberland Strait recently: Why was Northern Pulp not alerted to this leak? Why was it a neighbour walking their dog the one to discover the leak? We question: Is the equipment installed as per the requirement of the industrial approval? If it is installed, is it working? Why were they not alerted?

And as a community, we are being asked by Northern Pulp to trust them in this new proposal. It's very difficult for us to trust them when we continue to have these questions about their current usage of their effluent system.

**Mr. McIsaac:** Did you get any answers to that, or just that they're going to study it over the next year or whatever? Had that lady not come along, perhaps we wouldn't have found it yet, and we have no idea yet how long it may have been leaking before she went walking her dog.

**Jill Graham-Scanlan:** That's exactly correct. Those continue to be concerns of ours.

I'm afraid I forgot your question.

**Mr. McIsaac:** Oh, I was just wondering – I was just saying that if she hadn't been walking along we wouldn't have found out, but we don't know how long it was leaking

before she came by; and as you noted, they're supposed to be watching that, but anyway.

**Jill Graham-Scanlan:** I believe your question was whether we received any answers.

**Mr. McIsaac:** Yes.

**Jill Graham-Scanlan:** The answers we received from the Province of Nova Scotia – not directly, but by way of a response to media who picked up on the story – was that they continue to investigate the leak, and so they didn't have any answers to share with us. Northern Pulp's response was that it was a small leak.

But we note that following the leak in 2014, Northern Pulp and the province stated that the leak at that time was approximately 4 or 5 million litres, but during the provincial court hearings after Northern Pulp was charged for the leak, it was revealed that in fact there was 47 million litres. So we take no comfort in Northern Pulp's statement that the leak was small.

**Chair:** Alan McIsaac.

**Mr. McIsaac:** Thank you, Chair.

The leak, did it appear, did it happen with treated effluent? Or was it in the raw stage?

**Jill Graham-Scanlan:** This was in the raw stage, but the – Northern Pulp was shut down at the time.

**Mr. McIsaac:** Do you know that there were two previous leaks? Can you tell me exactly what came out of the study on that? You said it's going to take, I think, a year to do the study on this leak, which is past the time when environmental assessment should be done on the whole thing; but on the two previous leaks, what did they actually find, and any damage done, and what did they do to fix the problem?

**Jill Graham-Scanlan:** My understanding is that in 2008 there was a leak, and at that time the general response was that Northern Pulp is new to the pulp mill; we'll give them a pass this time. I'm not sure of the extent of the leak, but my understanding was that

there were no consequences, shall we say, to Northern Pulp for that leak.

Following the leak in 2014, as I said, the – there were charges laid against the mill, and they went through the court process, and they were fined, I think somewhere in the vicinity of \$250,000, but that would be listed as their first offence.

**Melanie Giffin:** If I can add to that, the second leak that Jill is talking about, the Confederacy of Mainland Mi'kmaq actually went out and did some of their own sample collection and data collection on that spill, which was in raw form, and shared the document with me. One of the things that surprised me about that documentation is we've been told on numerous occasions from Northern Pulp and sitting face to face in meetings that there's no mercury that's in their effluent, and the mercury that's in Boat Harbour is there from other plants that used to release in the area; but the report that came out from the Confederacy of Mainland Mi'kmaq actually showed mercury in their samples at reduced levels the further away from the leak that they got.

So they did (Indistinct) from the point of the leak, and the further away they got, the less mercury there was in it; so the assumption from that is that there is actually mercury in their actual effluent, even though they've told us that there isn't. So that's something just from a science side, in terms of the research that I've been doing from a different angle, that came out of that leak as well that was surprising to me.

**Jill Graham-Scanlan:** If I might add a little bit to that as well, the department of environment for the Province of Nova Scotia as well did some sample collections at the time, and posted on their website some results from that testing and it does show from the raw effluent a beyond-permitted amount of dioxins and furans.

**Mr. McIsaac:** I guess the last question: I think we're all in favour of the federal environmental assessment, that's for sure. It just makes so much sense, especially after the comments that were made; but the leak thing is really absolutely ridiculous, and as a good corporate citizen, at least they should take a step back and say: Hey, what do we have to do before we get into this?

Taking into consideration, of course, the fishery, it's so fundamentally needed for your guys' economy and our economy and everything. It just blows my mind; but I'm fully in favour of the assessment, and I think we should push that message to everybody. I know we have a federal election coming up this year, too, so put a little extra heat on there as well.

Thanks, Chair.

**Chair:** Thanks, Mr. McIsaac.

Next on the list is Peter Bevan-Baker.

**Dr. Bevan-Baker:** Thank you, Chair.

Clearly there's a lot going on, and a lot has gone on just in the last 48 hours regarding specifically around this; and in slightly wider periphery, we had the release, of course, of the proposal from Northern Pulp, the 2000-page proposal, which as you quite rightly say, Jill, is a – that's a lot to digest and make sense of and then come back with any sort of informed response within a 30-day time frame for anybody.

We also had Irving challenging yesterday the already fairly, I would say, insipid or weak federal regulations around effluent, challenging the acute lethality, whether that test is relevant; and on a slightly brighter note, we had Elizabeth May, leader of the Green Party, presenting a petition in the federal parliament asking for a full federal environmental impact assessment. So a lot of things are happening in a very short time here.

It's one thing for us to lose trust and confidence in a multi-national corporation, and I think it's safe to say that at least all of you who are presenting today and at least a certain number of the people around – I don't want to speak for everybody around this room, but the comments that have been made in previous meetings surrounding Northern Pulp suggest that we don't have a lot of trust and confidence in the information that we've been getting from Northern Pulp and its predecessors for the last 50 years.

But it's another thing to have lost trust and confidence in your government, a government that is meant to be there to provide the regulatory framework that gives

us the ease of mind and the confidence that they are doing the job that they are meant to do.

The Province of Nova Scotia has made a decision to go with the class one environmental impact assessment, and that horse has left the barn – or that effluent has left the pipe, perhaps, is a better analogy for that – and we can't do anything about that, but we still have an opportunity to pressure our federal government to do a full and proper environmental assessment.

As I think it was Alan suggested or he included in his comments, where there is a necessity for only one of those things, whether it be First Nations involvement, destruction of habitat, species at risk or multi-jurisdictional waters, any one of them should trigger a federal environmental impact assessment, and yet – and of course, he's no longer the minister of fisheries, Dominic LeBlanc made it very clear in a public statement that he feels this is a provincial affair, not a federal affair. Now, he is no longer the minister of fisheries. He's the minister of intergovernmental affairs, which might or might not be a useful thing here. I'm not sure what his successor thinks on this.

Catherine MacLellan has been less – sorry, Catherine McKenna, I'm sure Catherine MacLellan is very much against this, by the way – Catherine McKenna has been ambiguous as to what they're going to do. For me it's a really desperate situation where volunteer organizations, populated by busy people like you, who all have other lives, seem to have stepped forward to do the work that we think our government, we hope our government should be doing.

And I'm wondering why you feel that is the case; why are you here today? Why are we sitting here in our fourth standing or fifth standing committee meeting on this topic? Why have we lost the confidence and trust of the government agencies that should be there to do the work that we are doing, you are doing?

**Jill Graham-Scanlan:** Who wants to take that?

**Unidentified Voices:** [Laughter]

**Jill Graham-Scanlan:** That's a big question, and I think a lot of the answer lies in what I spoke about earlier, the conflict of interest.

There's just been a lot of reasons why the Province of Nova Scotia is seen to be in a conflict of interest, and as a result of all those many convoluted reasons, we as the public have lost faith that they will be holding this company to the standard that the public deserves that they be held to.

I do give credit to Premier McNeil for standing strong on honouring the *Boat Harbour Act* that will allow for the closure of the Boat Harbour treatment facility in January of 2020, and certainly calling on all of the politicians within the province of Nova Scotia to continue to honour that act; but as far as the environmental assessment goes, there's just too big of an issue there for the province to be seen as being unbiased. I think that's why we feel that we've had to step up to educate, really, to educate the public, and to educate a lot of the politicians as well.

**Allan MacCarthy:** I'd just like to make one comment that you've said we have busy lives and this is the other part of our life. Well, this is the busy part. The other part of our life is the one that's on hold right now. For the last year this has been the biggest part of our lives, basically, and there's not only us. There is a bigger team than this, but it has been major for the last year, this file, if you want to call it that.

We, Dennis and I are fishermen. We're not schooled in this at all, so it's been quite a learning curve. We thank Jill and Melanie for all the help. They're better at it than we are.

**Unidentified Voice:** I wouldn't say that.

**Dennis McGee:** You were wondering why we don't trust the government. Well, with this indemnity agreement that they have with the province, the only reason they got charged in 2014 for the effluent spill is because the department of fisheries and oceans charged them. So that's federal. In the Province of Nova Scotia, their fines are nil or very minimal on account of the indemnity agreement.

When you have one government agency working hand in hand with a foreign national company, it doesn't give me a very warm, fuzzy feeling. I suppose if we were a multi-national company, our fishery, maybe we might get a little bit more attention in our province.

Thank you very much.

**Chair:** Peter Bevan-Baker.

**Dr. Bevan-Baker:** Thank you.

I appreciate your answers, and perhaps I wasn't clear enough in my question that I'm wondering why – how the federal government could possibly justify not doing a full environmental impact assessment? Can I re-ask the question with an emphasis on that? How do you feel? Perhaps Melanie would be the one best placed to answer that.

**Melanie Giffin:** Basically, it's a question that we've been asking ourselves. It's a question we've been asking why, based on the four or five things that Allan listed off that are blatantly listed as to reasons for a federal assessment: species at risk, we have species at risk in the Northumberland Strait; a First Nations community being involved, that is Pictou Landing First Nation; more than one jurisdiction, you have fishers from PEI, Nova Scotia and New Brunswick, all fishing in the Northumberland Strait. These are all reasons that should trigger, as you mention, that federal assessment.

Why it's not happening and why the Province of Nova Scotia is maintaining it being a class one, I'm not sure. I'm not sure. It's a question that we've been asking as well, and it's a question that baffles us. I know we've asked Northern Pulp directly why not submit as a federal assessment, because it can come done to the proponent saying we feel this should have a federal assessment.

In asking them directly that question, they just blatantly said that they cannot go with the federal assessment because it will take too long, and that comes directly from Northern Pulp, so they leave it in the province's hands, and then from there it comes down to the Canadian Environmental Assessment Agency to decide if it should be federal or not.

What we've been told from the federal side of things when we approach them is that it's not their decision. You ask DFO: Why don't you step in and say that it should be federal? Well, it's not our decision, that comes down to the Canadian Environmental Assessment Agency. And if you ask the Province of Nova Scotia, the same thing, and they also kind of – it's kind of passing the buck, and it's been happening numerous occasions when it comes down to asking that exact question: Why are the fed not stepping up to do this as a federal assessment? Basically we just always get circled back to it comes down to *CEAA*.

**Dr. Bevan-Baker:** I've never been a fan of making complicated, important decisions in haste, and that's one of the reasons why I think it's critical that we do have that breathing room, enough time to do a proper environmental impact assessment.

Allan also mentioned I think, in his presentation, that there have been two previous pipe proposals that have been rejected in the Gulf, so I'd like to talk a little bit about that. We know that with this proposed pipe there will be a thousand kilograms of suspended solids on a daily bases ending up in the strait, and water at a much higher temperature than the ambient water, and enormous amounts of nutrient loading into a body of water that there is not a lot of movement in, many things to be concerned about.

I think you mentioned, Allan, that when you talked about the volume of suspended solids and what was going to happen to it; they just said it's going to go away. Well, what we've learned in the environment is that there is no away. It's a contained system, and whether that's the carbon dioxide we're putting into the atmosphere or our oceans that we are emptying of fish and filling up with plastics, and the environment minister and myself had a very long discussion about that, a public discussion about that the other night, but here we're talking about a body of water where we are emptying millions of litres of effluent 24 hours a day, 365 days of the year.

Could you tell us whether the two previously rejected proposals have any similarity to this one that's coming from Northern Pulp, and why they were rejected?

**Allan MacCarthy:** They were rejected because there were federal environment assessments, and the federal environment department had some teeth to its regulations then. They were basically the same system they are proposing now, an activated sludge system with a pipe into the Northumberland Strait; but once they got to the pipe going into the Northumberland Strait, it became a federal environmental assessment and that's where the ball stopped. That's the main thing that we know about them, that they were both stopped. Brian Tobin was fisheries minister for the one in '94, I believe. The second one, I believe, was in 2004.

**Dr. Bevan-Baker:** Melanie's talked a little bit about this, and it's come up in previous standing committee meetings that we've had here on this topic, and it's about the effect of the suspended solids and heavy metals on the creatures in the gulf – the lobster specifically, but also filter-feeding shellfish. I know there's a sort of paucity of information and data about that.

Can you tell us what data we do have, how up to date it is, and whether you feel that there are sufficient studies in place now that we can make an informed decision as to whether this will have a significant impact on the creatures in the strait?

**Melanie Giffin:** I can honestly say that I don't think our studies are currently up to date enough. For instance, the PEIFA enjoys being able to have our sit-down with the fishermen and say: What issues are you seeing on the water? Because they're there every day.

We have the advantage of doing bottom-up research rather than top-down, which has come in handy on so many occasions because there are things that the fishers see that we don't. When you're not on the water, you hear about it, but then the fishers say: No, we're not seeing it that way. So then we do the research to try to figure it out.

Some of the questions that are currently coming in from our harvesters are specifically around these things. We currently have 10 dissolved oxygen and temperature probes that we're going to be releasing into the Northumberland Strait this summer and will be staying there for six

months of the year, to monitor temperature and dissolved oxygen in different areas of the Northumberland Strait, because it's already in question.

We have fishers who are questioning it and saying they have concerns about scallop beds because the temperature might be warming up in that specific scallop bed and that's causing the scallops to move out of the area. That, and there's talk about areas that fishermen say they think are hot spots, so for us to better understand that, we need to put these temperature probes out and see what's happening on a year-round basis.

What DFO currently does, is they do spot checks. So it's basically like a snapshot of one day of the summer that they'll go and they'll do a full water profile, bottom water to surface water, but that's only one day of the year. So maybe there was a massive storm the day before, and it's going to look completely different from one year to the next, so that's why we need this constant monitoring over the year.

It may not give us – and there are questions that come up around that, too. Why monitor if you can't change it? If you do see that temperature is warming, you can't do anything about it. Well, no, but we at least have warning then, and we can start to figure out what's going on, what's causing it, if there is a way to understand that, and how it may shift the fishery. So those are some of the questions that are currently coming up.

There's a new project from department of fisheries and oceans on scallops and sensitivity in temperature, for instance. So if DFO is asking that question now, they obviously don't already have the answer, right?

So there are numerous questions like this that are coming up. We're talking from a science perspective. We talk a lot with the American group, the US group, on the American Lobster Settlement Index. As we know, they're having problems with settlement in the northern part of Maine and areas like that, and the question comes down to is it a food issue? Is that what's changing the – there's numerous stage-one larvae, but at stage four, the larvae aren't there anymore. So is it nutrition, is it temperature?

What are the issues that are causing that? That is actually triggering the question here as well.

The theory behind it is that the whales are feeding on the same thing and now we have the North Atlantic right whales. We obviously right now have an abundance, but it's another question that hasn't been answered. So there are – and it's due to the climate change. There are a lot of questions coming up with the change in climate and the shifting ecosystem that we don't understand.

Very long answer, but the short answer to it, I think, is there are too many questions right now. The science needs to be updated. We have some good science there. DFO has some good science from their (Indistinct) reports, but we need updated information, and some species aren't done as often as others and we still need to understand those as well because of the food chain.

**Chair:** Peter Bevan-Baker.

**Dr. Bevan-Baker:** Thank you, Chair.

Given this alarming lack of information, Melanie, if a federal environmental impact assessment was deemed to be necessary, would it include – would part of that be updating the scientific information that you have just said is lacking in order that this decision will be fully informed?

**Melanie Giffin:** I would hope so, but I think my question still comes down to talking about the health of the species.

With a federal environmental assessment, I know that DFO, for instance, is focusing on stock biomass and that aspect. So, making sure that the stock biomass is there and going to succeed; but the question from the health perspective comes down to how is the effluent going to actually affect the health of the animal – so respiratory, digestive, and reproductive systems. Is it going to slow their growth rates? Is it going to cause them to take longer time to reach sexual maturity?

To maintain a healthy stock, we know that size of sexual maturity needs to be 50%. We don't start fishing a stock legally until that stock, that species, has reached 50% maturity; and for the lobster industry and the

fishers themselves have actually increased over and above that to ensure that the sustainability is there.

But these are some of the questions that I think need to be answered from a climate change perspective and from a perspective of dumping warm, hot effluent in – how is that going to have an effect on the reproduction? Those are the kinds of things I would hope from a federal assessment would be addressed, and that would take a while, from my understanding and from my experience in terms of doing the research.

It takes a lobster five to seven years to reach the size of sexual maturity so if you're going to ensure that this effluent is not going to negatively affect their reproductive cycle, you need a good period of time to understand their entire life cycle better, and that's something that, from my perspective, needs to be completed. From my perspective, I would hope the federal government would take on; but I'm not 100% sure that it would, from a federal assessment side of things.

So I'm not sure exactly what their mandate would be from a federal assessment, but we would at least increase the amount of data that we would have.

**Dr. Bevan-Baker:** One final question: You've raised, again, some really fundamental questions for which we don't have the answers, which are critical to knowing the sustainability of the stocks in the area, and never mind the human health that Jill mentioned earlier.

I have one final question, Chair, and it's regarding your communications with the federal government currently. I know the proposal just came out yesterday so none of us has had an opportunity to absorb that and come up with any sort of response; but have you been or are you in direct communication with the federal government at the moment expressing the concerns that you have had here today?

**Allan MacCarthy:** Yes, we have been in contact with all our local MPs, and that includes here on PEI.

Every one until this point has said: Until there is an environmental assessment

registered, nothing can be looked at. That is our main point taken so far. Until there's an environmental assessment registered, we don't know what's in it, what it's about. There is nothing we can do. So now they're on the hook.

**Dr. Bevan-Baker:** Just to clarify, do you mean a proposal being put forward, or the results of the Nova Scotia environmental assessment?

**Allan MacCarthy:** The proposal put forward.

**Dr. Bevan-Baker:** Okay.

**Allan MacCarthy:** Until it's put forward –

**Dr. Bevan-Baker:** Gotcha.

**Allan MacCarthy:** – they can't comment on it.

**Dr. Bevan-Baker:** Sure.

Thank you, Chair.

**Chair:** You're welcome.

Chris Palmer.

**Mr. Palmer:** Thank you, Chair.

Thank you very much for the presentation.

Again, we understand that there are a lot of unanswered questions. We know that there's significant impact, and all the presentations that I've seen show us gaps in science; that we don't know what's going to happen. And this is a very important piece from an economics, from the Province of Prince Edward Island.

The fisheries are hundreds of millions of dollars. Our tourism value is hundreds of millions of dollars. These are very important decisions that are being made, that maybe are being pushed through, that we need to really get a better handle on because everything that we've seen about flushing of Northumberland Strait and the temperature of the water and the list goes on and on of how this could negatively impact the environment and the economics that goes with that.

I think mine is more of a comment of – we'll do whatever we can do. Certainly keep us connected, which you've been doing a great job of, to make sure that we really are able to help to get the evidence that we need to make the decisions, because this is far too important for the economics of our province, for the livelihoods, for the entire impact for our province and the livelihood of many.

**Melanie Giffin:** I just wanted to address, when I reached over to look in my bag earlier, after Peter Bevan-Baker asked the question, it was because I had the actual – he was asking about previous assessments, and it was because I had the actual letter in my bag and I was looking for it.

It was published March 26<sup>th</sup>, 1994, and the headline was Tobin vows to protect fish habitat from effluents, and there's comments in here about Tobin said he had an objection under the fisheries act to protect fish habitat. This government will not compromise conservation habitat for any reason, and there was another comment about – he said that shellfish harvest in some areas off the west coast had been curtailed because of poisoning from pulp mill effluents.

So there are numerous points in this letter and this headline from 1994 which we have, and I'm more than willing to leave a copy if that's something that you'd like to have, and it's something that came up recently, so we just happen to have it in our bag.

**Chair:** Thank you.

Chris Palmer, is this a comment (Indistinct)

**Mr. Palmer:** Yeah, I'm good.

I just had that comment that we really understand how important this is, and what we don't understand is how we can be moving forward without the federal environmental assessment because it's just far too important for everybody.

**Chair:** Thank you, Minister Palmer.

Jamie Fox.

**Mr. Fox:** Thanks, Chair.

I just had a couple of quick questions.

With the effluent coming out and it not having the luxury of going through the Boat Harbour, what do you think the impact is on the suspended products within the ice floes?

**Melanie Giffin:** I can start by saying this is one of questions that came up when we first started talking about the pipe and the proposed project that was first presented to the fishermen's working group, and there were a lot of questions around ice scouring.

So, there's a lot of things the fishermen pinpointed that they weren't actually looking at, and this was one of them as well. So they kind of released an – this would be Northern Pulp and Stantec released an additional piece of paper with their receiving water study to address ice and ice flow and the sediment being in it; but in my reading, it really didn't give an answer –

**Mr. Fox:** Okay.

**Melanie Giffin:** – as to how.

That was my interpretation of it. I will go back and re-read and maybe there's something new in the actual proposal. I'm not sure, but we did request that they address that. What I read from it and my interpretation from it was that I really didn't get a straight answer out of it, how they suspect it would affect and where it would go.

**Mr. Fox:** Thanks, Chair.

So it's another unknown we just don't know about.

**Melanie Giffin:** Yes.

**Mr. Fox:** Have you had any meetings yet with the New Brunswick new government that's over there with Premier Blaine Higgs or his department on this? Mike Holland, I think, is the minister of environment.

**Allan MacCarthy:** No, we have not.

**Mr. Fox:** You haven't? I might suggest that might be a good thing to do.

Chair, I can wrap up member Bush Dumville's questions.

Basically, one, he's asking questions about the closed loop system and we have a fishery that's a renewable resource and why it's being chosen over an industry with questionable longevity. His question is basically: If we have a serious corrosion problem that we found in the pipe system, why would they not look at having the industry require to have a two closed loop system? Can you comment on that?

**Allan MacCarthy:** Our only comment was that they were not interested in any other system. They were not interested in changing their process one little bit. It's a pipe in the strait or it's no mill. That was basically the negotiations.

Yes, they say they cannot use a closed loop system in a bleached kraft pulp mill because of the corrosion aspect; hardly makes it safe to put it out into receiving water because it's too corrosive on the pipes. That's about our only comment on that (Indistinct)

**Mr. Fox:** Okay.

Thank you, Chair.

**Dennis McGee:** I can add to that a little bit.

**Mr. Fox:** Okay.

**Dennis McGee:** On their impact statement, they told us that their pipeline was their most viable economic solution for them. That was their reasoning behind it.

**Allan MacCarthy:** If I could add one more piece, I guess they do have a statement that they use quite a bit in the industry: It's best available technology that's economically achievable. So, if (Indistinct) –

**Mr. Fox:** (Indistinct)

**Allan MacCarthy:** Well, that takes you where (Indistinct) –

**Mr. Fox:** Sort of wraps it up in a nutshell.

I'm done.

**Chair:** Okay. Thank you very much.

Next we have Minister Brown.

**Mr. R. Brown:** Thank you, Mr. Chairman.

Yeah, their main document they've tabled, I find it ironic because one of their statements is the main problem with the bleach plant effluent recoveries are equipment corrosion and accumulations of chlorides and non-process elements in the mill's water system. Accumulation of the chlorides and potassium are especially corrosive for the mill's boilers and often leads to scale buildup.

I just find it ironic that the plant or the environment people or the plant owners are more interested or more concerned about their boiler than about fish habitat in the ocean and of living beings and living creatures. The boiler is more important to this mill than what they'll do the habitat of the fishery in the strait. I just find it so ironic that they'd even put that statement there, that, you know, we're afraid we may lose a boiler but we don't care if we destroy a full habitat. If anybody approved that, I can't comment because I'm not a psychiatrist.

But one question I have is the premier of Nova Scotia has made it quite clear, January 2020. If, by the time they get this done, you're talking maybe June/July, no way would they have the construction of this pipe or this apparatus out into the Strait by January 2020. So how are they going to meet that deadline? Are they just saying, well, we'll start construction and we'll take that as we meet the requirement of 2020?

I just want to make sure that the Premier is adamant that 2020, January 2020 is it, because if I was looking at the documentation and looking at the work that has to be done here, I can't see how this construction would be done by 2020. So, therefore, how is he going to keep to that commitment and get this project going with the timeframes?

**Melanie Giffin:** Our last face-to-face meeting that we had with Northern Pulp, we blatantly asked about their timeline and if they had enough time to complete it, and at that point they were still hoping and pushing for a completion by January 2020.

Originally, they had said that once the construction was complete, they would like to have the new treatment facility in Boat Harbour running congruently, like parallel, for six months, which would give time for

the new flock, that flock of bacteria, to grow in their new system while it's building it up. Then they've still got Boat Harbour to fall back on for those six months.

Now they've cut that timeline down to two, which, again, from a biological perspective, how do you increase the bacterial production, it's possible, but I don't know how sustainable it is to increase that bacterial flock in four fewer months than what they initially expected.

So we also asked them if you can't have it done – because at this point they were still telling us that the environmental assessment wouldn't be submitted until January, which really gave them less than a year to get construction complete – we asked them about their plan B. Under the assumption – we were on Pictou Landing First Nation's ground when we talked to them about this and said that if Boat Harbour's going to close as mandated in January 2020 and you don't have your construction complete, then what is your plan B?

They blatantly told us they had no plan B. This was going to happen. They were going to get it done before January 2020 and that was their goal. They would deal with a plan B if they needed to when it came down to it has been their answer, but they have no plan B.

**Jill Graham-Scanlan:** And if I may add to that: Recently, when Northern Pulp released their proposal, which was seven days before the province released it, Northern Pulp indicated that the construction period would last 21 months, so 21 months from the time that they received the approval. They also announced that it was their intention to begin construction as soon as they got approval regardless of their acknowledgment that they will not be able to have construction completed by the January 2020 deadline.

So it leaves one to ask the question: Why will they start construction, why will they be spending all this money in constructing this pipe if the timeline doesn't match? We don't have the answer to that. I would suggest that it's a tactic by Northern Pulp to add pressure on the province of Nova Scotia to allow an extension for Boat Harbour, if they construct

knowing that they're not going to be able to open in time.

**Mr. R. Brown:** The environmental assessment that would be done on the class one in Nova Scotia, that would be subject to a judicial review would it not?

**Jill Graham-Scanlan:** Possibly, yes.

**Mr. R. Brown:** Yeah. So a judicial review; let's say they get her done in two months and then a judicial review is filed, and potential injunctions. Would northern mill still go along with starting construction under those circumstances?

**Jill Graham-Scanlan:** We really don't know the answer to that.

**Mr. R. Brown:** Okay. No, thanks very much and keep up the good work. There's a lot of information in their proposal, a lot of contradiction, I think, in terms of they're saying one thing – they're really putting maximizing profits ahead of anything else here. They go on about how important they are to the community and how important they are to the economy of Atlantic Canada, \$535 million they pour into the economy.

Well, I think that's a lot of money they pour into the economy, but with that amount of money that's being poured into the economy, surely we can do it right with that amount of money in a closed loop system; and then if it means a boiler or two, let's sacrifice a boiler or two instead of a whole fishery.

Thank you.

**Chair:** Next we have Darlene Compton.

**Ms. Compton:** Thank you, Chair.

Just a few questions, maybe, and just some items I'd like to get on record. First of all, the new pipe route is supposed to be 15 and a half kilometres (Indistinct) leave the mill and run along Highway 106. I know the mayor of Pictou is quite concerned because it's going to cross the main watershed for the town of Pictou and goes from there to Caribou Harbour where the ferry terminal is.

We're talking now tourism as well as environment, and it's secondary for sure, but

how important it is that we maintain the high standard, the tourism product we've got now, and who wants to pull into Caribou on the ferry and see effluent in the strait?

So moving forward, are there – is there anyone involved, first of all, with your groups from tourism? Or moving forward, how could we engage them on this?

**Jill Graham-Scanlan:** We do have a member of Friends of the Northumberland Strait, who is involved in tourism, and he is actively involved in educating his industry about the pipe, and we do have the support of the tourism industry in Nova Scotia.

**Ms. Compton:** So maybe we could get a letter of support from tourism on PEI as well, just to keep moving forward on this. Do you know where Sean Fraser, who is the MP for Central Nova, what his stand is on –

**Dennis McGee:** I can speak to that. I was talking – Allan and I both had a meeting with Sean last week, and Sean is probably the only politician we've talked to so far that I have any confidence in what he's saying. He's been working now to get us a meeting with the federal fisheries minister in Ottawa and with Catherine McKenna.

**Ms. Compton:** He is the parliamentary secretary now for environment and climate change, so it should be fairly easy to get a meeting with the minister. So we'll put that on the record.

The other thing is that there are a number of the Nova Scotia premier's office staffers who are now hired by Northern Pulp to lobby on their behalf, so I'm going to put their names on the record as well: Kirby McVicar, he was McNeil's former chief of staff; Stephen Moore, he was the director of communications; and Trevor Floyd, who is former EA for DeLorey, I think.

**Unidentified Voice:** Randy DeLorey.

**Ms. Compton:** So I think it's important that the public realizes these people are now working for Northern Pulp, lobbying for Northern Pulp, and they were members of the Premier's office before. I'd just like to put all that on record, and I want to thank you again for your presentation.

**Chair:** Thank you, Darlene.

Next we have Minister Gallant.

**Mr. Gallant:** Thank you, Chair.

I just have a couple of comments, and I certainly want to thank you very much for coming over and your very informative presentation. When Allan mentioned about BC maybe sacrificing a few rivers for some of their mills, I think if I heard you correct, and if I didn't –

**Allan MacCarthy:** Yes.

**Mr. Gallant:** – you can elaborate. That's something we certainly don't want to do here, right? This is a Strait. It's wonderful that the three provinces are together. We need to really find out all the unknowns and we need to support, which we are, our fisheries industry. As you folks know, it's been around for hundreds of years and it's been productive. It's fed a lot of people and it's a big part of our economy and it's a way of life and we don't want to jeopardize that in any way.

So as you've heard many times today, we certainly fully support a federal environmental assessment and once again, I thank you very, very much for your presentations.

**Unidentified Voices:** Thank you.

**Chair:** Thank you, Minister Gallant.

Next we have Peter Bevan-Baker.

**Dr. Bevan-Baker:** Thank you, Chair.

I appreciate Darlene's comments about the sort of movement – the revolving door of people from government to Northern Pulp, and going in the other direction as well. And I'm not – that's why we need strong conflict of interest legislation and cooling off periods, something that was recommended, of course, by our own conflict of interest commissioner here, and unfortunately we didn't move forward with it, but I think this is a practical demonstration of why that type of legislation is so important.

My question regards the – let's dream and imagine that a federal environmental impact

assessment is called for, and they agreed to do that. Unlike the class one provincial environmental assessment, that time frame will not be measured in months. It will be years, likely. What scenarios exist then for Northern Pulp, if this federal environmental assessment does happen as we all, in this room, I think everybody has stated in one voice that that's what we would like to see, where does that leave Northern Pulp, given that we're looking then at years of what?

**Melanie Giffin:** I personally don't know where it leaves them, under the understanding that the last time that we actually asked them that question was basically they didn't have a plan B. So seeing that I don't understand the technical side or the engineering side of how a pulp mill runs internally, I can honestly say if they don't have a plan B, I don't know where that leaves them in terms of a plan.

**Allan MacCarthy:** Also, since 2015, Northern Pulp has been aware that it could be a federal environmental assessment. That always is a possibility. So that's up to them to prepare for that.

**Dr. Bevan-Baker:** Just a closing comment: If a federal environmental impact assessment is triggered, clearly nobody knows what that will mean for the continued operation of the pulp, whether it will be an extension on the *Boat Harbour Act*, or whether they will have to shut down or whether they will invest the money and do it properly in a closed loop system.

There are options there, but as you just said, Melanie, they don't seem to have been prepared in any way for anything other than enforcing this pipe into the Strait. That's obviously a huge concern for all of us. Those that want the environmental impact assessment recognize that that will take time; and that makes all of this a very grey area, and that's a real concern.

Thank you, Chair.

**Chair:** Thank you.

Jamie Fox.

**Mr. Fox:** Thanks, Chair.

Something I'd never heard yet in the last meetings I been attending, but do we have any knowledge of what the carbon output is of this plant?

**Mr. R. Brown:** Yeah (Indistinct) It's over the fifty (Indistinct) – there's a 50,000 tons that you have to report, so they're a reporting entity.

**Mr. Fox:** So are they in a contravention or are they within guidelines or do we know?

**Melanie Giffin:** It's honestly out of my scope from a marine perspective, but I think that there's information you can collect on it. There is information out there.

**Mr. R. Brown:** It's online.

**Melanie Giffin:** Yeah.

**Mr. Fox:** It is.

Okay, thank you.

**Chair:** Okay, well, my list has been exhausted.

On behalf of the committee, I want to thank Allan and Melanie and Dennis and Jill for coming in today and presenting on behalf of the Friends of the Northumberland Strait and the Northern Pulp Working Group. You equally have experience and knowledge that you brought forward and thank you for your advocacy.

Obviously, with the many questions we had here today, you know that there is concern and – from provincial, the Province of Prince Edward Island, sorry, and that we're doing all we can, too, to advocate on this file. So with that, again, thank you for coming in, and I'll give you –

**Mr. R. Brown:** (Indistinct)

**Chair:** Okay, one moment.

**Mr. R. Brown:** Thank you.

**Chair:** Richard Brown.

**Mr. R. Brown:** Thank you very much, Mr. Chairman.

I think to make to make the federal government listen; I think I'd like to get a motion on behalf of the committee that we can send to the federal minister and that you, the groups, can put in their package. So I would move, Mr. Chairman, that the Standing Committee on Agriculture and Fisheries requests the federal government to conduct a full environmental assessment of the northern pipeline project.

**Unidentified Voices:** (Indistinct)

**Chair:** Okay. I'm going to open the floor for discussion.

Peter Bevan-Baker.

**Dr. Bevan-Baker:** It's not northern pipeline.

**Mr. R. Brown:** Oh.

**Dr. Bevan-Baker:** That's something else.

**Unidentified Voices:** [Laughter]

**Dr. Bevan-Baker:** Although I think I would agree with you on that, too.

**Chair:** Any others for discussion?

**Mr. R. Brown:** Yeah, Mr. Chairman – and thanks, Peter.

**Chair:** Mister – okay.

**Mr. R. Brown:** Northern Pulp's plans for a pipeline.

**Chair:** Minister Brown, who would you address that letter to?

**Mr. R. Brown:** I'd address it to the federal environment minister and the federal fishery minister – and the Prime Minister.

**Chair:** Okay. All those in favour, signify by saying 'aye'.

**Some Hon. Members:** Aye.

**Chair:** Contrary, 'nay'.

Motion carried.

So again, thank you guys for coming in and presenting to us today.

We'll break for a minute to give you guys a moment to collect your paraphernalia and then we'll resume in about two minutes.

[Recess]

**Chair:** We're going to move to number four on our agenda, which is new business.

Does anyone have any other new business? Any new business?

**Some Hon. Members:** No.

**Chair:** No new business?

We will move onto –

**Mr. McIsaac:** I move we adjourn.

**Chair:** Thank you, Mr. McIsaac.

Thank you everyone for coming in today.

Adjourned.

The Committee adjourned